



Federal Energy Regulatory Commission
Office of Energy Projects
Washington, DC 20426

Algonquin Incremental Market Project

Final Environmental Impact Statement



Algonquin Gas Transmission, LLC
Docket No. CP14-96-000
FERC/EIS-0254F
Volume II

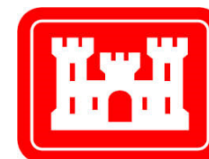
Cooperating Agencies:



**U.S. Environmental
Protection Agency**



**Pipeline and Hazardous
Materials Safety
Administration**



**U.S. Army Corps
of Engineers**

Algonquin Incremental Market Project
Final Environmental Impact Statement
Volume II – Comments on the Draft Environmental Impact Statement and Responses

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This volume includes comment letters received through October 10, 2014, which was 2 weeks past the close of the comment period (September 29, 2014). An additional 173 comment letters were received between October 10, 2014 and when this final EIS went to print. We continued to accept and review these comment letters, but they are not included in this volume because no new substantive issues were raised that weren't already addressed by previous comment letters and associated responses or in the text of the final EIS.

FEDERAL AGENCIES

FA1 – U.S. Senate, Sheldon Whitehouse and Jack Reed

20140811-0036 FERC PDF (Unofficial) 08/07/2014

CP14-96

United States Senate
WASHINGTON, D.C. 20540

August 7, 2014

The Honorable Cheryl LaFleur
Chairman
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Dear Chairman LaFleur:


FA1-1 We are writing to request that the Federal Energy Regulatory Commission (FERC) hold a public meeting in Rhode Island to receive comments on Algonquin Gas Transmission, LLC's (Algonquin's) proposed Algonquin Incremental Market (AIM) Project.

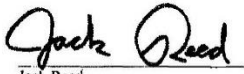
The AIM Project is a proposed expansion of Algonquin's existing natural gas pipeline system that would enable transport of an additional 342 million cubic feet per day of natural gas from New York to the Connecticut, Rhode Island, and Massachusetts markets. This gas would be transported using existing pipelines in the four states as well as proposed new and expanded pipeline facilities in New York, Connecticut, and Massachusetts. The project would also modify six compressor stations in New York, Connecticut, and Rhode Island, including an existing compressor station in Burrillville, Rhode Island.

On August 6, 2014, FERC released the agency's draft Environmental Impact Statement (EIS) for the AIM Project, and announced that the public comment period will conclude on September 29, 2014. FERC also noticed four public meetings on the draft EIS, including a meeting in Massachusetts on September 8, two meetings in Connecticut on September 9 and 10, and a meeting in New York on September 11. FERC has not scheduled a public meeting on the draft EIS in Rhode Island, even though Rhode Island will also be affected by the AIM Project.

As we are sure you appreciate from your time at National Grid, stakeholders in Rhode Island are tracking this project closely and have a variety of perspectives they would like to share with FERC. Therefore, we respectfully request that FERC schedule a public meeting in Rhode Island during the public comment period to provide Rhode Islanders an equal opportunity to comment on the AIM Project and FERC's draft EIS.

Sincerely,


Sheldon Whitehouse
United States Senator


Jack Reed
United States Senator

2014-00184

Stamp: RECEIVED AUG - 7 P 4 05

FA1-1 The Federal Energy Regulatory Commission (FERC or Commission) staff issued a notice and held a public meeting at the Crystal Lake Golf Club in Mapleville, Rhode Island on Tuesday, September 16, 2014 to accept comments on the draft environmental impact statement (EIS) for the Algonquin Incremental Market Project (AIM Project or Project). The Commission also accepts and considers written comments on the draft EIS from any interested stakeholder. The Commission gives equal consideration to written comments and comments received at a public meeting.

FA2 – U.S. Department of Interior, Andrew Raddant, Regional Environmental Officer

20140926-5087 FERC PDF (Unofficial) 9/26/2014 10:57:06 AM



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
15 State Street – Suite 400
Boston, Massachusetts 02109-3572



September 26, 2014

9043.1
ER 14/503

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

RE: COMMENTS
Draft Environmental Impact Statement (DEIS)
Algonquin Incremental Market Project, FERC No. CP14-96-000
New York to Connecticut, Rhode Island, and Massachusetts

Dear Ms. Bose:

The U.S. Department of the Interior (Department) has reviewed the August 6, 2014, "NOTICE OF AVAILABILITY OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED ALGONQUIN INCREMENTAL MARKET PROJECT." Algonquin proposes to expand its existing pipeline from an interconnection at Ramapo, NY to deliver natural gas transportation service to markets in Connecticut, Rhode Island and Massachusetts. FA2-1 The Department has no comment on the DEIS.

Thank you for the opportunity to review and comment on this project. Please contact me at (617) 223-8565 if I can be of assistance.

Sincerely,

Andrew L. Raddant
Regional Environmental Officer

FA2-1 Comment noted.

FA3 – U.S. Army Corps of Engineers, New England District



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

September 29, 2014

Regulatory Division
CENAE-R-PEB
File No. NAE-2013-1233

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: Algonquin Incremental Market Project, Docket No. CP14-96-000, FERC/EIS-0254

Dear Secretary Bose:

This is in response to the Federal Energy Regulatory Commission's (FERC) August 6, 2014 *Notice of Availability of the Draft Environmental Impact Statement (DEIS) for the Proposed Algonquin Incremental Market (AIM) Project* to address the potential environmental effects of the construction and operation of approximately 37.6 miles of gas pipeline. An estimated 21.9 miles are located within the Army Corps of Engineers, New England District (Connecticut, Massachusetts and Rhode Island). The New England District Corps of Engineers (NAE Corps) is reviewing the project under Section 404 of the Clean Water Act for the proposed discharge of dredged or fill material in waters and wetlands. We issued a Public Notice for the proposed work within Corps jurisdiction on August 19, 2014. The NAE Corps is participating as a cooperating agency with FERC for preparation of the National Environmental Policy Act (NEPA) document per FERC's December 11, 2013 invitation pursuant to Council of Environmental Quality (CEQ) NEPA regulation (40 CFR 1501.6). Although the Corps is a cooperating agency for the purpose of the DEIS, it will make its own determination with concern to work within its area jurisdiction, including the project's compliance with Corps regulations (33 CFR Part 320-332) and agency statutory authorities, especially the U.S. Environmental Protection Agency "Guidelines for Specification of Disposal Sites for Dredged or Fill Material," (40 C.F.R. Part 230), also known as the 404(b)(1) Guidelines, in its record of decision.

On June 30, 2005, the Corps and FERC signed a Memorandum of Understanding (MOU) to further streamline respective regulatory processes through early coordination to identify the project purpose, need and alternatives that can be used by each agency in carrying out its respective legal responsibilities. The MOU acknowledges that FERC is the lead agency for the purpose of complying with NEPA, including responsibility for historic/archaeological and Endangered Species Act consultation, and that FERC is responsible for authorizing the construction and operation of interstate natural gas pipelines. The MOU also states that the Corps will give deference, to the maximum extent allowable by law, to the purpose, need and alternatives that the FERC determines to be appropriate for a project, but that the Corps will exercise its independent judgment while carrying out its regulatory responsibilities.

**FA3 – U.S. Army Corps of Engineers, New England District
(cont'd)**

**RE: SPECTRA ENERGY ALGONQUIN INCREMENTAL MARKET PROJECT, Docket
No. CP-14-96-000**

EPAAct 2005 Natural Gas Act Coordination

The Corps has actively participated in the FERC pre-filing activities with FERC and the applicant for the AIM project. These activities include review and comment on Environmental Resource Reports and the Notice of Intent, identification of issues and expectations for the DEIS (December 12, 2013), notification of "overall project purpose" as defined by the Corps (January 18, 2013), pre and post-filing meeting coordination (July 16, 2013, August 28, 2014), conferences (October 23, 2013, November 6, 2013, December 13, 2013, February 20, 2014 and August 12, 2014), site review (August 14, 2013 and June 17-20, 2014) and attendance at FERC Public Hearings (September 8, 9 and 10, 2014). As a cooperating agency Corps staff participated in administrative review of the draft NEPA document (June 23, 2014). We received the Corps application on March 25, 2015 and the application was substantially complete for issuance of a Public Notice on August 8, 2014. Staff did request additional information deemed necessary to complete our evaluation. This letter was addressed to Algonquin Gas Transmission, LLC c/o Terrance Doyle and dated July 31, 2014.

Section 1.1 Project Purpose

The project purpose as stated in Section 1.1 of the DEIS "to deliver up to 342,000 dekatherms per day of natural gas transportation service to the Connecticut, Rhode Island and Massachusetts markets" is sufficient for our evaluation of alternatives and we will use this statement as our "overall project purpose" for our assessment of compliance with the U.S. Environmental Protection Agency "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" (40 C.F.R. Part 230).

Section 1.1 Need

The Corps defers to the FERC expertise and responsibility to determine the need for gas transmission and additional pipeline capacity and whether it is in the public interest.

Section 3.5 Project Alternatives

As conveyed above, we concur with the statement of project purpose used within the DEIS. However, in our review of the DEIS and an independent review of the applicant's filing, there appear to be additional reasonable alternative minor route variations or functional modifications to the applicant's preferred alternative that appear to have the potential to further avoid or minimize impact to waters and/or wetlands. The Corps has requested that the applicant further assess alternatives for avoidance and minimization to the aquatic resources in Table 1 below. The revised NEPA document should incorporate an analysis of the variations identified below.

TABLE 1		
Wetland/Water ID	Municipality	Option
B13-SELR-W10	Danbury CT	Consider relocation of horizontal direction drill (HDD) exit point/pit further to the east (upland area) to avoid and minimize wetland impact from temporary workspace.

FA3-1 Section 3.5 of the EIS has been revised to include an evaluation of these modifications.

**FA3 – U.S. Army Corps of Engineers, New England District
(cont'd)**

**RE: SPECTRA ENERGY ALGONQUIN INCREMENTAL MARKET PROJECT, Docket
No. CP-14-96-000**

FA3-1
(cont'd)

Wetland/Water ID	Municipality	Option
B13-CLR-W2	Cromwell, CT	HDD appears feasible to avoid new wetland impact and establishment of new right-of-way (ROW) and/or realignment of ROW to the south of existing 30" L30B pipe.
B13-CLR-S4	Cromwell CT	Avoid ROW parallel with Dividend Brook by relocating south of 30" L30B pipe or along the north side of Meadow Road?
B13-CLR-S2A and B13-ELR-S4	Cromwell CT	A site specific crossing & restoration plan for multiple crossings of Dividend Brook should be required to ensure full potential for avoidance and minimization.
A13-ELR-W2	Lebanon CT	Avoid ROW lateral to/parallel with Susquetonscut Brook by reconfiguring along Exeter Road to the south and east to meet with TAR 2.5.
A13-ELR-S1/S2A	Lebanon CT	A site specific crossing plan & restoration plan for Susquetonscut Brook at these locations should be required to ensure full potential for avoidance and minimization
A13-ELR-W6, A13-ELR-W6, VP6, VP6A, A13-ELR-W7, VP7 and A13-ELR-W8	Lebanon CT	Reconfigure route south of Susquetonscut Brook to minimize a sizeable area of wetland and waterway impact and 2 additional crossings lateral to/parallel with tributaries of Susquetonscut Brook.
B13-ELR-W16	Franklin CT	Opportunity appears to exist to avoid and minimize impact to this large wetland system through a southern alignment.
B13-ELR-S5B	Franklin CT	Impact to this high quality waterway can be avoided by conducting HDD installation at this location.
A13-ELR-W13, B13-ELR-VP19	Franklin CT	Impacts may be further minimized through implementation of a site specific crossing & restoration plan for this wetland/riparian corridor and vernal pool complex.
TAR 6.7	Franklin CT	Eliminate, or relocate, this TAR outside of the 100-foot envelope of the vernal pool.
B13-ELR-S18, B13-ELR-W22/S22 and B13-ELR-W2	Franklin CT	A site specific crossing & restoration plan for these resource areas should be required to ensure full potential for avoidance and minimization
B13-ELP-S5	Montville CT	Impact to Falls Brook can be avoided by conducting HDD installation at this location.
B13-WRL-S3	Dedham MA	The feasibility of completing this new crossing using the HDD method to avoid impact to Mother Brook has not been adequately addressed.

FA3 – U.S. Army Corps of Engineers, New England District (cont'd)

RE: SPECTRA ENERGY ALGONQUIN INCREMENTAL MARKET PROJECT, Docket
No. CP-14-96-000

Section 4.2.2.3 Hydric Soils

FA3-2 Those wetland crossings that are believed to have the highest potential for impact from compaction are listed in the table below. It is recommended that for these wetland crossings and those other wetland impact areas with similar soil profiles, low ground pressure machinery in combination with construction mats be used. The first 12-inches of soil over the trenchline should be stockpiled and reused as backfill.

A13-ELR-W3	A13-ELR-W3	A13-CLR-W2	B13-ELR-W4
A13-ELR-W6	A13-ELR-W6	A13-CLR-W4	A13-ELR-W4
A13-ELR-W13	B13-ELP-W1	A13-ELR-W1	A13-CLR-W1
A13-ELR-W14	A13-SELR-W2	A13-ELR-W6	B13-ELP-W6
A13-ELR-W25	A13-SELR-W5	B13-ELR-W5	B13-ELP-W6
A13-ELR-W1	A13-SELR-W6		

Section 4.4.5 Wetland Compensatory Mitigation

Mitigation for impacts to aquatic resource functions resulting from the temporary and/or secondary impacts can be substantial. In many cases, it will be necessary to compensate for such temporary and secondary impacts to prevent a net loss in aquatic resource functions. Corps regulations published in the March 19, 2012, Federal Register state in C.23. (h):

“Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required.”

FA3-3 In the New England District it is expected that those unavoidable impacts from temporary discharges of fill and secondary impacts to both wetlands and waters from the regulated work will be compensated through the appropriate state In Lieu Fee programs. The required compensation will be expressed as percentages or ranges of mitigation often recommended for direct, permanent impacts. The Corps will consider several factors to determine whether compensatory mitigation is needed for temporary and secondary impacts and how to apply the ranges to determine the appropriate level of mitigation for the specific activity and type of system to be impacted. Our calculation of compensatory mitigation for the AIM project may be based on the following:

- Density and diversity of original woody vegetation
- Soil type (organic or mineral) feasibility of topsoil segregation
- Potential effects of substrate compression and likelihood that best management practices shall mitigate the effect
- Whether work is expected to be performed during dry or frozen conditions only
- Estimate of original aerial cover/canopy (trees)
- Presence/absence of exemplary vegetative community or special aquatic resources (vernal pools)
- Presence of threatened and endangered species habitat

FA3-2 The FERC's Wetland and Waterbody Construction and Mitigation Procedures (Procedures) requires that low ground-weight construction equipment and/or construction mats be used in wetland areas where standing water or saturated soils are present to avoid rutting and topsoil/subsoil mixing, and that the top 12 inches of topsoil over the trenchline be segregated and then restored to its original location during backfill activities. Section 4.4.3 of the EIS has been updated to make this more clear.

FA3-3 Since the issuance of the draft EIS, a Final Wetland Mitigation Plan, developed in consultation with the U.S. Army Corps of Engineers (USACE), the New York State Department of Environmental Conservation (NYSDEC), and the Connecticut Department of Energy and Environmental Protection (CTDEEP), has been submitted by Algonquin. The USACE, the NYSDEC, and the CTDEEP would review and incorporate the Wetland Mitigation Plan into Project permits. Section 4.4.5 of the EIS has been revised accordingly. We are recommending that Algonquin identify any additional avoidance or mitigation measures for the two vernal pools through the permit review process with the applicable agencies, prior to construction.

FA3 – U.S. Army Corps of Engineers, New England District (cont'd)

RE: SPECTRA ENERGY ALGONQUIN INCREMENTAL MARKET PROJECT, Docket
No. CP-14-96-000

FA3-3
(cont'd)

- Length of time fill will be in place
- Likelihood of shearing causing upheaval, etc.
- Likelihood that wetland contours and local drainage patterns can be returned to preconstruction configuration
- Likelihood of successful revegetation

In most cases, for the AIM project, it is the habitat function that is presumed to be the principal function affected but there may also be changes in soil temperature, creation of a window of opportunity for invasion by exotic species, temporary reduction in biomass and carbon sequestration, and changes to hydrology as a result of reductions in evapotranspiration. Compensatory mitigation addresses temporal impacts during the time temporary fill is in place and during forest and vegetative re-establishment.

Section 4.5.3 Invasive Plants and Noxious Weeds

FA3-4

The DEIS indicates that the applicant will conduct post-construction maintenance and monitoring of the right of way in affected wetlands to assess the success of restoration and revegetation. Documents submitted by the applicant to guide this process include the Erosion & Sedimentation Control Plan, Wetland Restoration Procedures and/or Compensatory Mitigation Plan and the Invasive Species Control Plan (ISCP). Although the DEIS states that the purpose of the monitoring would be to compare pre-existing to post-construction vegetative condition, Algonquin Gas Transmission LLC (Algonquin) has not been required to provide a baseline survey or assessment of invasive and noxious plant cover within the wetlands along either the existing, or newly proposed, ROW.

Corps staff met with Algonquin and Connecticut Department of Energy and Environmental Protection (CT DEEP) on August 28, 2014 to discuss our concerns with the draft ISCP. In particular, we noted that the purpose of the plan which was stated: "to attempt to control the spread of four plant species (*Phragmites australis*, *Frangula alnus*, *Polygonum cuspidatum* and *Lythrum salicaria*) in wetland areas along the AIM project where they currently do not exist" appears to be inconsistent with Corps policy and Executive Order 13112 (February 3, 1009). That is because Algonquin does not propose to control invasive plant species along its Right-of-way (ROW) unless they are identified in "new" ROW areas.

It is our preliminary conclusion that this approach will allow invasive plants to remain unmanaged within existing ROW areas that will be the subject of additional clearing, excavation and disturbance; undoubtedly leading to spread of these plants beyond the existing maintained ROW into proposed temporary equipment construction limits and the wetland areas beyond them. Such plant species have the potential to cause economic or environmental harm to human health. Consequently, the NEPA document should include full disclosure of invasive species; including the identification of goals, objectives, constraints and management measures. It is recommended that invasive species be inventoried, analyzed and managed at a level of detail comparable to sensitive species.

FA3-4

Algonquin Gas Transmission, LLC (Algonquin) is working with the USACE and CTDEEP to develop an approach to managing invasive species in Connecticut. Section 4.5.4 of the EIS has been updated to reflect the most current information available on this approach.

FA3 – U.S. Army Corps of Engineers, New England District (cont'd)

RE: SPECTRA ENERGY ALGONQUIN INCREMENTAL MARKET PROJECT, Docket No. CP-14-96-000

FA3-4
(cont'd)

If the FERC authorizes the AIM project, it is our recommendation that Algonquin be required to conduct a baseline condition assessment of invasive and noxious plants, within and immediately adjacent to the wetland impact areas, as a special condition of issuance.

The Corps has entered into work group discussion with Algonquin and CT DEEP for implementation of an Integrated Vegetation Management approach consistent with the National Invasive Species Management Plan for the AIM gas pipeline project ROW. The tentative approach outlined by all parties at this meeting was to:

- Develop a concept schedule for development of the draft ISCP
- Identify and select priorities to prevent new invasive plant establishment in significantly functioning/minimally impacted wetland areas along the existing and proposed ROWs
- Identify priority resource areas for active control and management capable of providing watershed-level ecological benefit and/or mitigating significant ecological threat
- Identify what information is necessary to complete invasive plant inventory of the alignment or otherwise undertake a baseline condition assessment of wetland areas within the ROW
- Identify specific control & management objectives and an implementation plan for such
- Assess the practicability, feasibility and cost of management objectives
- Evaluate the efficacy of individual control and management objectives
- Conduct after-action review of outcome and performance to improve the efficiency and reliability of future ROW vegetative management

Section 4.6.2.3 Waterbody Crossing Mitigation

In addition to those factors listed under Section 4.4.5 for temporary fill our analysis of temporary and secondary impacts applied to streams may include, but will not be limited to, the following:

- Length and/or distance of riparian cover/canopy impact to a stream
- Length and width of impact within streambed
- Reasonably foreseeable impact of riparian work on water temperature and water quality,
- Likelihood of successful naturalized streambank stabilization

4.13 Cumulative Impact Analysis

FA3-5

At the public meetings in Connecticut many commenter's raised concerns pertaining to the Atlantic Bridge Project (Atlantic Bridge). According to the Spectra Energy project website for Atlantic Bridge the preliminary facilities diagram indicates that many aspects of the existing Algonquin pipeline through Connecticut are proposed to be modified to incorporate the additional capacity required by this project. In particular, we note that some of the same facilities for AIM including the Southeast, Oxford, Cromwell & Chaplin Compressor Stations and the Cromwell 36-inch loop will be modified and/or extended to accommodate the new project.

Our review of the NEPA document indicates that The DEIS contains little detail as it pertains to the Atlantic Bridge Project and its relationship to the AIM project. It is unclear as to whether the Atlantic Bridge Project is fundamentally just an expansion of the AIM facilities. Consequently, it

FA3-5

Improper segmentation is usually concerned with projects that have reached the proposal stage, which is not the case here. Algonquin has not filed an application with the Commission for the Atlantic Bridge Project. Rather, Algonquin is still evaluating the potential Atlantic Bridge Project based on interest for additional natural gas supplies in New England and the Canadian Maritime provinces. The Atlantic Bridge Project is still in the development phase and precedent agreements are under consideration.

Even so, the AIM Project is an unconnected single action that has independent utility irrespective of any other projects, including the Atlantic Bridge Project. As discussed in section 1.1 of the EIS, Algonquin has executed precedent agreements with 10 shippers who account for the entire AIM Project capacity of 342,000 dekatherms per day (Dth/d). These are firm commitments proposed to meet a discrete market in southern New England beginning in November 2016.

Moreover, the cumulative effects discussion in section 4.13 of the EIS has been revised to include the additional preliminary information on the Atlantic Bridge Project that has become available since the draft EIS for the AIM Project was published. In the event that Algonquin files an application for the Atlantic Bridge Project, or another project in the area, the impacts of the AIM Project will be included in the discussion of cumulative impacts in the environmental review for that project, if relevant.

**FA3 – U.S. Army Corps of Engineers, New England District
(cont'd)**

**RE: SPECTRA ENERGY ALGONQUIN INCREMENTAL MARKET PROJECT, Docket
No. CP-14-96-000**


FA3-5
(cont'd) is our recommendation that the NEPA document be expanded upon to assess the independent utility of Atlantic Bridge in absence of the AIM project construction and to analyze the cumulative impacts of this project as it appears to be a reasonably foreseeable project with similar impact to wetlands and waters within the same watersheds as the AIM project.

Status of Corps Review and Evaluation
FA3-6 We requested that the applicant provide additional information to assist in our evaluation of the project in a letter dated July 25, 2014. A partial response has been received and Algonquin anticipates a complete set of responses in early October. This response time is reasonable for our purposes and should allow the Corps to meet the FERC schedule for a Federal Authorization Decision Deadline.

Corps staff is currently evaluating the public comments received and conducting its analysis of avoidance and minimization for compliance of the AIM project with the 404(b)(1) guidelines. We anticipate undertaking compensatory wetland mitigation coordination with Algonquin during and commencing preparation of our decision document sometime during the month of October 2014.

If you have any questions concerning this matter, please contact Ms. Cori M. Rose, of my staff, at (978) 318-8306 or via email at cori.m.rose@usace.army.mil.

Sincerely,


Robert J. DeSista
Acting Chief, Regulatory Division

Enclosures
Copies Furnished:

Federal Energy Regulatory Commission
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Washington, DC 20426

Spectra Energy/Algonquin Gas Transmission LLC
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Waltham, MA 02451

TRC Solutions
Attn: Mike Tyrrell
Wannalancit Mills
650 Suffolk Street

FA3-6 Comment noted.

**FA3 – U.S. Army Corps of Engineers, New England District
(cont'd)**

**RE: SPECTRA ENERGY ALGONQUIN INCREMENTAL MARKET PROJECT, Docket
No. CP-14-96-000**

Lowell, MA 01854

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Connecticut DEEP
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Providence, RI 02908-5767

FA4 – U.S. Environmental Protection Agency

	<p>UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 1 5 POST OFFICE SQUARE, SUITE 100 BOSTON, MA 02109-3912</p>
	<p>OFFICE OF THE REGIONAL ADMINISTRATOR</p>
<p>September 29, 2014</p>	
<p>Kimberly D. Bose, Secretary Federal Energy Regulatory Commission 888 First Street NE, Room 1A Washington, DC 20426</p>	
<p>RE: Algonquin Incremental Market Project (AIM Project), FERC Docket No. CP14-96-000, CEQ # 20140223</p>	
<p>Dear Secretary Bose:</p>	
<p>In accordance with our responsibilities under the National Environmental Policy Act (NEPA), and Section 309 of the Clean Air Act, we have reviewed the Draft Environmental Impact Statement (DEIS) for Algonquin's Incremental Market gas pipeline and related facilities in New York, Connecticut, Rhode Island and Massachusetts.</p>	
<p>According to the DEIS, the purpose of the Algonquin project "is to expand its existing pipeline system from an interconnection at Ramapo, New York to deliver up to 342,000 dekatherms per day of natural gas transportation service to the Connecticut, Rhode Island, and Massachusetts markets." The DEIS explains that the overall goals of the project are to increase pipeline capacity to meet growth demands, eliminate capacity constraints, increase competition and to reduce compressor station emissions through the installation of more efficient units.</p>	
<p>The proposed Algonquin project includes construction and operation of 37.6 miles of natural gas pipeline and associated infrastructure in New York, Connecticut, Rhode Island and Massachusetts. Seventy percent of the work entails replacement of existing pipelines with larger capacity pipe, and the balance of the work is associated with the installation of new pipeline including a new mainline, a loop and a lateral. The project also includes upgrades to existing compressor stations in New York, Connecticut, and Rhode Island.</p>	
<p>The majority of the proposed project entails replacement of an existing pipeline with larger pipe to increase capacity. EPA's experience with other natural gas pipeline projects in the New York and New England region helped shape our active participation in the Federal Energy Regulatory Commission's (FERC) prefiling process for this project. As a cooperating agency during the preparation of the DEIS we offered detailed scoping comments on the project in 2013 and comments on the interagency review draft of FERC's Administrative Draft Environmental Impact Statement (ADEIS).</p>	
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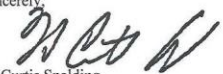
FA4 – U.S. Environmental Protection Agency (cont'd)

Our scoping comments focused on impacts to wetlands, drinking water, groundwater supply, and air quality (during construction and operation of the pipeline). Our comments also made specific recommendations with respect to the consideration of environmental justice, children's health, and indirect and cumulative issues in the DEIS.

FA4-1 While a number of EPA's pre-DEIS comments have been addressed in the DEIS, in several areas, as described more fully in the attachment to this letter, we note that information relevant to the characterization of environmental impacts is not included. Instead there are numerous FERC recommendations to Algonquin to provide information prior to the close of the DEIS comment period. While we appreciate that FERC has requested the information as part of the NEPA analysis, in many instances we believe that the information should have been included in the DEIS and not made available for the first time in the FEIS. A comprehensive response from Algonquin will likely require close coordination with state and federal cooperating agencies. We believe FERC should develop a mechanism to share the relevant information with the public and cooperating agencies in advance of the FEIS. Depending upon the nature of the relevant information provided, we may need to supplement our comments on the DEIS in response.

The enclosure to this letter describes issues and questions related to a number of elements of the proposed project and the environmental analysis (as noted above) that we believe need to be addressed in the FEIS. We have rated the DEIS "EC-2" (Environmental Concerns-Insufficient Information) in accordance with EPA's national rating system, a description of which is enclosed. My staff is ready to continue to participate on the cooperating agency team to provide additional input, as necessary, to help FERC develop the FEIS for the project. Please feel free to contact me or Timothy Timmermann of the Office of Environmental Review at 617/918-1025 if you wish to discuss these comments further.

Sincerely,


H. Curtis Spalding
Regional Administrator

Enclosure

FA4-1 In most instances where additional information was requested prior to the end of the comment period, we were able to make a conclusion on the significance of an impact with the information available at the time the draft EIS was published. The recommendation that additional information be provided for the final EIS was in an effort to reduce the significance of the impact, not to introduce new, previously undisclosed impacts. The information we required Algonquin to provide prior to the end of the comment period was put into the public record at the time it was filed and, therefore, was available for the public to review and comment on before the final EIS was issued (i.e., the final EIS is not the first time the public has access to this information). In no instance would the requested additional information provide a substantial change to the proposed action. Of the 42 recommendations in section 5.2 of the draft EIS, 28 related to measures recommended as conditions to any Order to ensure the effectiveness of Algonquin's mitigation and compliance with FERC's criterion, resulting in the impacts identified. We also continued to accept and review comments on the draft EIS beyond the close of the comment period, which are addressed in this volume. For these reasons, we believe the analysis in the draft EIS and the revised analysis in the final EIS is appropriate.

FA4 – U.S. Environmental Protection Agency (cont'd)

Summary of Rating Definitions and Follow-up Action

Environmental Impact of the Action

LO--Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC--Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO--Environmental Objections

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU--Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1--Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2--Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3--Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

FA4 – U.S. Environmental Protection Agency (cont'd)

Detailed Comments – Algonquin Incremental Market Project DEIS

Wetland Issues

Characterization of Impacts

FA4-2 The use of the term “temporary impacts” in the DEIS is unclear. In Section 4.0 (pg. 4-1), the DEIS categorizes impacts into four types: temporary, short-term, long-term, and permanent. Specifically, the DEIS defines these types of impacts as follows:

“Temporary impacts generally occur during construction with the resource returning to preconstruction condition almost immediately afterward. Short-term impacts could continue for up to 3 years following construction. Impacts were considered long-term if the resource would require more than 3 years to recover. A permanent impact could occur as a result of any activity that modified a resource to the extent that it would not return to preconstruction conditions during the life of the project....”

However, elsewhere in the DEIS, wetlands impacts are described as “temporary,” despite the fact that preconstruction conditions would not be achieved immediately after construction. For example, in the case of impacts to forested wetlands that are allowed to naturally restore themselves, the preconstruction condition would take 30 - 50 years or more to achieve. Also, backfilling of pipe trenches within wetlands are considered permanent, rather than temporary, impacts. The terminology used in the FEIS should be clarified and made more consistent, to distinguish between these kinds of long term temporal impacts and shorter term temporary impacts. Furthermore, the FEIS should indicate that compensatory mitigation will be required to address various temporary impacts associated with the project, including temporal impacts.

FA4-3 Section 4.4.3.1 states that the project would not result in any permanent loss of wetlands and that no wetlands would be filled in Connecticut. These statements should be corrected to reflect that there will be permanent direct and secondary impacts (i.e., losses of wetland functions and services) due to the construction and operation of the project. The FEIS should clarify that backfill over new pipeline alignments in wetlands or waters of the U. S. is considered a permanent direct impact. Also, permanent conversion of one type of wetland to another type is a permanent secondary impact.

FA4-4 The DEIS categorizes wetland impacts (Section 4.4.3, including Table 4.4.3-1) as total wetland impacts or forested wetland impacts. These should be clarified and further categorized by type of impact (direct or secondary, permanent or temporary), and wetland type (e.g., scrub/shrub wetland impacts, emergent wetland impacts, vernal pool impacts). We note that the July 31, 2014 Corps letter to Algonquin Gas Transmission, Inc. providing preliminary comments on AIM's Clean Water Act (CWA) Section 404 application made several suggestions for the characterization of the different types of wetland impacts associated with the project. We generally concur with the approach outlined by the U.S. Army Corps of Engineers (Corps) in their letter. Furthermore, additional detail should be provided on the types and amounts of secondary impacts associated with construction and operation of the project, and the proposed mitigation for those secondary impacts.

FA4-2 Section 4.4.3.1 of the EIS states that impacts on PEM and PSS wetlands would be temporary and short term while impacts on PFO wetlands would be long-term. This is consistent with the definitions provided in section 4.0. Section 4.4.5 and appendix M discuss compensatory mitigation and what types of impacts were included.

FA4-3 Section 4.4.3.1 of the EIS clearly indicates that 1.5 acres of forested wetland in Connecticut would be permanently converted to non-forested wetland as a result of routine vegetation maintenance during operation of the pipeline. These impacts would be mitigated through proposed construction-period mitigation measures, improved invasive species plan, and compensatory measures required by the Clean Water Act (CWA) section 404 permitting process, and paid for by Algonquin. We consider backfill in wetlands to be a temporary impact as there would be no loss of wetland function with post-construction restoration.

FA4-4 The EIS is a summary document intended to disclose the potential impacts of a proposed action. The document incorporates by reference all of the material filed in support of the permits and other regulatory clearances required to construct the facilities, should the Commission issue a Certificate of Public Convenience and Necessity (Certificate) for the Project. As such, the presentation of potential wetland impacts provided in the EIS is sufficient for the public and decision makers to assess the potential impacts of the Project.

FA4-5 Section 4.4 of the EIS has been updated to further discuss types of secondary wetland impacts and proposed mitigation.

FA4 – U.S. Environmental Protection Agency (cont'd)

FA4-6 The DEIS should more clearly explain the methodology for the calculation of wetland impacts. Impacts considered appear to be limited to the edge-to-edge crossing areas of wetlands and streams, and direct impacts to vernal pools. Additional secondary impacts should be considered and factored into the assessment of project impacts. These kinds of secondary impacts include, but are not limited to: impacts to riparian buffer and forest canopy over stream channels; impacts associated with stream bank stabilization; clearing or other construction activities within vernal pool critical terrestrial habitat (i.e., the habitat zone surrounding the vernal pool); alteration of ground or surface water flow patterns; invasive species; and, forest fragmentation and edge effects of new pipeline construction and operation.

FA4-7 The DEIS indicates that Algonquin will use existing access roads, including 27 temporary access roads (TAR) and 8 permanent access roads (PAR). The DEIS notes that several of these roads will need to be upgraded, including widening and vegetative clearing and the access road improvements will require 1.9 acres of "new land disturbance." The FEIS should clarify whether any of these access road improvements will involve disturbance in or adjacent to wetlands or waters of the U. S., involve direct or secondary impacts to wetlands or waters of the U.S., and whether the described vegetative clearing would occur within or adjacent to wetlands or waters of the U.S.

FA4-8 Vernal Pools
With respect to vernal pools, in addition to a more detailed description and consideration of the secondary impacts associated with clearing and other construction activities in the critical terrestrial zone surrounding the pools (such as the development or use of access roads), the FEIS should better identify and clarify the locations of vernal pool resources impacted by the project. For example, in Section 4.4.3.2. (pg. 4-62 through 4-64), the DEIS states that only two vernal pools would be directly impacted by the project, and that both of these pools are located in New York. However, based on EPA's preliminary review of the CWA Section 404 permit application for the project, it appears that at least one vernal pool in Connecticut (A13-ELR-VP90) would be directly impacted. Several other vernal pools would be subject to secondary impacts from the project. A more thorough examination of likely vernal pool and other aquatic resource impacts should be incorporated into the FEIS, and inconsistencies between the DEIS and CWA Section 404 application information be rectified.

FA4-9 Impact Avoidance
Of the 108 stream crossings required by the construction of the project, Horizontal Directional Drilling (HDD) is proposed for only two crossings: the Hudson River and the Still River. The FEIS should provide more information on whether and how HDD was considered for other stream crossings to reduce impacts, and why it is proposed only for these two river crossings. Other stream crossings, including but not limited to Susquetonscut Brook and Mother Brook, could be appropriate locations for HDD.

FA4-10 ROW Vegetation Maintenance in Wetlands
The DEIS provides a general description of the vegetation maintenance plan/practices to be implemented in wetland areas within the ROW. We strongly recommend that FERC work with the Corps and EPA to develop a long term monitoring program to determine if vegetation

FA4-6 As a summary document, the EIS adequately presents the potential effects of pipeline construction and operation on wetland communities across the proposed Project. The direct impacts of pipeline construction on wetlands described in the EIS are based on the Project construction footprint within the boundary of each wetland crossed by the proposed pipeline routes. The direct impact of clearing vegetation, excavating the pipeline trench, temporary storage of dredged material within the wetland, backfilling the trench, and other wetland impacts related to construction activities are described in section 4.4.3.1 of the EIS. Additionally, secondary or indirect impacts, such as reduced riparian buffers, disturbance of adjacent habitat, and incremental fragmentation of forested wetlands are also described in section 4.4.3.1. Additional discussion of indirect effects on wetland vegetation and vegetation in adjacent habitats is included in section 4.5. Detailed, site-specific impacts are included in the Project permit applications included in the EIS by reference.

FA4-7 Section 4.4.1 of the EIS states that "Algonquin would use existing roads for temporary and permanent access along the Project route and would not impact any wetlands."

FA4-8 Section 4.4 of the EIS has been updated to expand upon secondary impacts on vernal pools. Table 4.4.3-2 lists the locations of vernal pools along the pipeline study corridor. Based on information received from Algonquin, the discussion regarding vernal pools in the draft EIS lists the only two vernal pools that would be directly affected by the Project. After surveys were conducted for the Project, it was found that VP9 (in Connecticut) did not support the needed physical and biological characteristics to be defined as a vernal pool.

FA4-9 As noted in sections 3.5.4 and 4.3.2.3 of the EIS, Algonquin determined that using the horizontal directional drill (HDD) method would not be feasible at other waterbody crossings when compared to the dry crossing method. The reasons varied from site to site but, in general, included new temporary impacts on nearby residences, direct impacts on residential homes, including noise from drills, and the need to acquire new easement rights for the permanent right-of-way for operation and maintenance of the pipeline. Factors in HDD design include the availability of a straight and relatively low relief laydown area for the pullback pipe section; the availability of large work areas at the HDD entry and exit points; surrounding terrain; land use; and operation concerns. Based on information from Algonquin, our review of Project mapping, and information we obtained during visits to the Project area, we conclude that the use of the HDD method at any additional waterbody crossings would be either technically infeasible, impractical, or would not result in a clear environmental advantage to the proposed dry crossing methods.

FA4-10 See the response to comment FA3-4.

FA4 – U.S. Environmental Protection Agency (cont'd)

FA4-10 (cont'd) management within wetland areas in the ROW is being conducted in a manner consistent with the approach described in the DEIS. This type of documentation is appropriate given the loss of wetland structure and function associated with pipeline construction and operation through wetland areas. The vegetation management approach described in the DEIS is generally consistent with that utilized for other projects but it is not clear whether or not the proposed measures have been effectively implemented by the applicant for other projects. We believe that the development of a vegetation monitoring protocol is warranted and that FERC should work to confirm that the approach recommended by the applicant is actually implemented over the long term.

Mitigation

FA4-11 The DEIS discussion of compensatory wetland mitigation focuses on permanent conversion of Palustrine Forested (PFO) wetland to other types. Additional mitigation measures should be identified to address all types of secondary impacts resulting from the project, such as the types of secondary impacts discussed above. Also, temporal impacts - the loss of ecological functions and services over the period of time that it takes for the impacted area to naturally restore itself - should be addressed in the mitigation plan. An appropriate mitigation plan should adequately address all permanent and temporary direct, secondary and cumulative impacts associated with the project.

FA4-12 The DEIS (pg. 4-61) identifies measures that would be implemented to mitigate unavoidable construction related impacts on wetlands. One of the included measures is "using low ground weight equipment or operating equipment on timber riprap, prefabricated equipment mats or terra mats on saturated soils or where standing water is present." While EPA concurs with these types of measures to reduce impacts, it is not clear whether the DEIS included the placement of temporary construction mats, etc., as an impact in the assessment of secondary impacts.

FA4-13 EPA agrees with the Algonquin commitment to provide on-site restoration of temporarily impacted PFO wetlands to pre-construction condition as mitigation for the entire project and we concur with the FEIS statement that "...additional compensation may be necessary for temporal loss of aquatic habitat function associated with the discharge of temporary fill and secondary project impacts." Furthermore, returning wetland contours and drainage patterns to their preconstruction configurations is also listed in the DEIS (pg. 4-61) as one of the mitigation measures to be implemented for the entire project.

Review of Supplemental Information

FA4-14 In Section 5.2 and throughout the DEIS, FERC makes numerous recommendations that plans, technical reports or other information (e.g., approved mitigation plans, results of consultation with various agencies, etc.) be submitted to FERC prior to the end of the DEIS comment period or prior to commencement of construction. EPA believes it would be more effective to have this additional information from the project proponent and FERC in advance of the FEIS, where possible, to allow adequate time for review and comment. The timing proposed in the DEIS for submission of additional information has the potential to result in a large amount of critical information being submitted just prior to or after the close of the comment period, which

FA4-11 See the response to comment FA3-3.

FA4-12 The placement of direct impact mitigation measures (i.e., construction mats) were not included as a secondary impact as they are mitigating more prevalent potential impacts on a wetland.

FA4-13 Comment noted.

FA4-14 See the response to comment FA4-1.

FA4 – U.S. Environmental Protection Agency (cont'd)

FA4-14
(cont'd) could result in the public and reviewing agencies not having the opportunity or adequate time to review and comment.

Environmental Justice

The DEIS identifies minority populations along the project alignment within several counties in New York, Connecticut and Massachusetts. Work in these counties will range from new metering stations to pipeline installation and the establishment/upgrading of compressor stations. Identified impacts will range from short term construction related noise, air and traffic impacts to longer term noise and air impacts from operation of compressor and metering stations. The DEIS does a good job of identifying these impacts and construction mitigation measures to help address impacts to Environmental Justice (EJ) populations along the route. In general, we agree with the conclusion provided in the DEIS that the impacts to low income and minority populations along the route will not be disproportionate. However, we also encourage FERC to work to ensure that impacts to these populations are minimized to the extent possible through effective communication with affected communities.

An important component of project success is related to effective community engagement that fosters public understanding of the project and its impacts, and the range of solutions and steps to mitigate impacts. Based on our review of the DEIS, attendance at a public meeting hosted by FERC during the public comment period, and recent conversations with the proponent, we believe more could be done to engage and communicate with affected EJ populations along the project route for the balance of the NEPA process, during project permitting, and as the project moves into the construction and operation phase. In particular, we recommend a more robust public involvement strategy to inform and engage a broader spectrum of the EJ populations along the route about the types of work and impacts they can expect during project construction and operation. The strategy should provide higher quality, consistent, timely and appropriately targeted information such that it is clear and easily understood by a diverse audience.

During our recent conversations with the project proponent, we learned that efforts were made to contact affected communities early in the design and environmental review process. This is an important first step. Early and broad outreach into the community is critical to ensuring meaningful participation. Consideration of some non-traditional communication techniques may improve success in contacting some of the low income and minority communities along the project route. In those areas EPA continues to encourage the project proponent and FERC to consider reaching out directly to persons directly impacted and those indirectly impacted (in close proximity) to the work location throughout the balance of the environmental review/permitting process and during project construction and operation. Language access is a critical component for effective community engagement. A number of areas where project work is proposed have large Spanish-speaking populations that would benefit from targeted language-appropriate communication materials. To our knowledge the outreach materials prepared for the project to date (by the applicant and FERC) were not translated into any non-English languages. To correct this deficiency, we recommend that FERC require the project proponent to translate key materials to spoken languages in the EJ communities intersected by the project where there is a significant limited English proficiency. Our recent conversations with the project proponent confirmed a willingness to translate future project information summaries, notices of meetings

FA4-15

As noted in the comment, there would be no disproportionate impacts on low income or minority populations as a result of the Project. Therefore, there is no need or requirement for additional measures, beyond those already proposed, to mitigate an impact that is not significant. The extensive outreach efforts conducted by both Algonquin and FERC for the Project are described in sections 1.4 and 4.9.10 of the EIS. Section 1.4 of the EIS has been revised to include the additional outreach conducted since publication of the draft EIS. These outreach efforts included all stakeholders, including Environmental Justice communities, associated with the Project.

FA4-16

See the response to comment FA4-15. Section 4.9.10 of the EIS has been updated to include Algonquin's additional commitment to preparing fact sheets in Spanish to be posted on the Project website and preparing notices regarding public meetings and, in the future, notices regarding construction information in Spanish for the identified Environmental Justice communities.

FA4 – U.S. Environmental Protection Agency (cont'd)

FA4-16 (cont'd) and construction notifications for distribution in targeted areas along the project corridor. We think this is an important additional step to fully inform affected EJ populations along the project route. We also encourage FERC to incorporate translated project information sheets into the public communication materials provided on the FERC website and at public meetings on the project.

FA4-17 In addition to language barriers that limit local engagement/participation in the environmental review, permitting and construction periods of the project, participation may be constrained by other factors. For example, our experience is that immigrant communities tend to participate less in public forums, so other methods of public outreach may be more effective. Going forward, FERC may want to consider communicating at ethnic focused/language sensitive small meetings in their neighborhoods; placing information in ethnic newsletters, newspapers and postings at local ethnic businesses; forwarding information to religious places and gathering spaces; producing public service announcements; agreeing to interviews on local access television; and identifying local leaders working in low income and minority neighborhoods who could facilitate feedback to FERC. Another essential and effective tool is attendance at preexisting community meetings. Finally, distributing information by going door-to-door with a community representative can also be extremely effective in making residents fully aware of a project's impact on a community.

EPA is willing to assist Algonquin and FERC to help improve the outreach to affected EJ populations along the project alignment. Please contact Deborah Brown of EPA's Environmental Justice program at 617-918-1706 for additional assistance with this outreach.

Blasting

FA4-18 More detailed information is needed regarding the potential impacts from proposed blasting in waterbodies, as well as more information on practicable alternatives to blasting. FEIS should more clearly and definitively demonstrate that no adverse effects on water quality, fish and wildlife or other aquatic resources would result from blasting. In addition, we believe that mitigation for blasting should be discussed in greater detail. The FEIS should explain whether other mitigation measures, in addition to delayed and stemmed charges, can be implemented to reduce adverse impacts on aquatic resources. In particular, time of year restrictions on blasting activities may be necessary to protect sensitive aquatic species. In-stream monitoring may be necessary to assure no adverse impacts to the aquatic ecosystem.

Drinking Water Supply Impacts

FA4-19 As described in the DEIS, there are many wells (93 private and 1 public) in very close proximity to construction work areas. The DEIS presents a basic plan for remediating negative impacts to wells from construction activities, but it does not present a plan for mitigating or preventing these impacts in the first place. On the remediation of negative impacts, the DEIS says: "Algonquin would contact any landowner with water supply wells within 150 feet of the construction workspace and offer to conduct pre- and post-construction monitoring of well yield and water quality. If a water supply well is damaged as a result of Project construction, Algonquin would ensure that a temporary source of water is provided until the damaged water

FA4-17 See the responses to comments FA4-15 and FA4-16.

FA4-18 Impacts and mitigation from blasting in waterbodies is discussed in section 4.3.2.6 of the EIS and the Rock Removal Plan (see appendix E). As noted in section 4.3.2.6, in-stream work in Susquetonscut Brook and an unnamed tributary to Stony Brook would occur within the appropriate timing windows for warmwater and coldwater fisheries. Algonquin would file a schedule identifying when blasting would occur within each waterbody greater than 10 feet wide and within any designated coldwater fisheries.

Mitigation measures listed in the EIS include: restoring stream beds, inspecting the trench for significant bedrock cracks or fissures and filling with bentonite to prevent infiltration of stream flow into the ground, backfilling the trench with sand to protect the pipe and then replacing with appropriate trench spoil, and replacing native stream bed material and restoring original stream bed contours. Algonquin is in continuing consultation with the CTDEEP and NYSDEC to address impact minimization or mitigation measures and to evaluate other potential methods of construction.

FA4-19 Comment noted. As stated in section 4.3.1 of the EIS, Algonquin would contact landowners with water supply wells within 150 feet of the construction workspace and offer to conduct pre-and post-construction monitoring of well yield and water quality. As stated in the Rock Disposal Plan (appendix E to the EIS) water quality testing would consist of turbidity and bacteriological analysis (total coliform). Specifics on water quality testing would be available to the landowners. If a water supply well were to be damaged as a result of Project construction, Algonquin would provide a temporary water source until the damaged well is restored or replaced or the landowner is compensated for damages. Replacement water and compensation would be determined on an individual landowner basis.

FA4 – U.S. Environmental Protection Agency (cont'd)

FA4-19 (cont'd)	well is restored to its preconstruction capacity and quality, a replacement water source would be provided, or the landowner would be fairly compensated for damages." (pg. 4-34). This approach is commendable. Well owners would benefit from a more complete and detailed description in the FEIS of the process, e.g., what water quality parameters would be monitored, what type of replacement water would/could be provided, and how fair compensation for damages would be determined.
FA4-20	With respect to mitigating and preventing negative impacts to groundwater from construction, the DEIS says only, "Public and private water supply wells within 150 feet of the Project could be impacted by construction activities, including areas where blasting of bedrock would be required. These effects would be monitored and would be minimized by following the procedures outlined in Algonquin's Rock Removal Plan (see Appendix E)..." (pg. 4-34). However, Appendix E does not describe how these effects would be monitored and minimized, stating only that "...all necessary steps will be taken to protect existing conditions...." More specific steps should be outlined in the plan including but not limited to a plan to contact water supply well owners in advance of blasting, establish baseline conditions (for quantity, capacity and water quality) for each potentially affected well and specific protocols to direct follow-up to respond to reports of negative impacts from blasting. Blasting near bedrock wells poses a significant risk to the water quality and capacity of these wells. At a minimum, the FEIS should consider whether blasting bedrock within 150 feet of drinking water wells is reasonable and whether such an activity should be undertaken given the risk to water supplies. We recommend that alternatives to blasting be fully explored.
Air Quality	
FA4-21	<p>DEIS table 4.11.1-5, "Summary of Emissions Subject to General Conformity Review Associated with the AIM Project for 2015 – 2017," documents that emission estimates would not exceed general conformity applicability thresholds for all years of construction. Hence, general conformity is not triggered for the construction period. With respect to operation emissions that would be permitted, or otherwise covered by major or minor New Source Review (NSR) permitting programs, these emissions are not subject to the general conformity applicability.</p> <p>DEIS section 4.11.1.3 "Air Emission Impacts and Mitigation," acknowledges that "New York and Connecticut developed standards to limit emissions from diesel engines through idling restrictions (i.e., 6 NYCRR Part 217-3, and RCSA § 22a-174-19). In addition, some of the states that would be affected by the Project have developed standards (e.g., 6 NYCRR Part 248 on diesel engine retrofitting) for other methods of reducing diesel emissions, such as the use of low sulfur diesel and advanced pollution control technologies." As we previously stated in our scoping comments and again in our comments on the ADEIS, EPA strongly recommends a commitment from Algonquin and corresponding condition by FERC to require a commitment to these types of measures during construction to help reduce and minimize the air quality impacts from the proposed project. These measures are not complicated to implement and they benefit residents in the project corridor during construction.</p>
FA4-22	There are also many air pollution and climate benefits from this project that are not fully described in the DEIS. New England's electric system suffers from natural gas shortages during

FA4-20 See the response to comment FA4-19. In addition, Algonquin has developed and provided an Environmental Complaint Resolution Procedure Plan as part of its application. It identifies procedures that Algonquin would take to address landowner calls received during construction and how the procedures would be implemented. Algonquin would provide this procedure to landowners via letter prior to construction. The letter would include a toll free telephone number to contact with questions or concerns and the commitment that a response to the question or concern would be provided no later than 48 hours after receiving the initial call. In the event the response is not satisfactory, the proposed letter would identify the FERC's Dispute Resolution Service Helpline contact information.

As discussed in the Rock Disposal Plan (appendix E to the EIS), there are several possible methods to remove rock from within an excavation. Each method is best suited for specific situations due to individual advantages and limitations. Methods in addition to blasting include excavation, hammering, and drilling and are described in more detail in section 5.0 of the Rock Disposal Plan.

FA4-21 In response to comments received on the draft EIS, Algonquin has committed to using ultra low sulfur diesel and best available technology on non-road engines where feasible. Section 4.11.1.3 of the EIS has been updated to reflect Algonquin's commitment.

FA4-22 Section 4.13.7 of the EIS has been updated to include a qualitative discussion of potential air pollution and climate benefits associated with increased natural gas deliveries to the region.

FA4 – U.S. Environmental Protection Agency (cont'd)

FA4-22 (cont'd) winter months requiring the dispatch of more polluting oil units during those periods. Emissions of SO₂ and NO_x have been significantly higher during the previous several winters than the rest of the year, due to the inability of cleaner gas fired Electricity Generating Units (EGUs) to procure fuel. In addition, some states, particularly CT, have emphasized fuel switching in the residential sector from oil to gas heat as a greenhouse gas reduction strategy. EPA recommends that the FEIS say more about the potential air pollution and climate benefits associated with increased natural gas deliveries to the region.

Greenhouse Gas Emissions

FA4-23 In discussing greenhouse gas emissions, the DEIS compares the project's operating emissions to total estimated emissions from the New England region and states, "Although the GHG emissions appear large, the emissions are very small (0.4 percent) in comparison to the 2000 inventory of GHG emissions in the New England region of the United States of 224.01 metric tons of CO₂e (NSCAUM, 2004)." Because global climate change is a result of disparate sources any of which may appear insignificant when compared to overall emissions, we recommend against comparing GHG emissions associated with a single project to those associated with the entire region.

We also recommend that FERC consider potential best management practices to reduce leakage of methane associated with operation of the pipeline; EPA has compiled useful information on technologies and practices that can help reduce methane emissions from natural gas systems.¹

FA4-23 Comment noted. FERC staff acknowledges that disparate sources of greenhouse gas (GHG) emissions individually contribute to the global climate change issue. However, to keep this global topic in perspective, we provide a comparison with regional GHG emissions that are seemingly large in comparison to other potential criteria pollutants or hazardous air pollutants (HAP). Algonquin provided a summary of practices that would be implemented at modified compressor stations associated with the Project and practices that are currently in place at Algonquin facilities to minimize methane emissions. Algonquin would use highly efficient turbine technology at the modified compressor stations, which would minimize emissions by being appropriately sized and efficient, and would include dry seals to minimize fugitive emissions. Algonquin also has a program in place for minimizing methane emission at all of their facilities, which includes participating in the U.S. Environmental Protection Agency's (EPA) Natural Gas Star Program to share best practices for reducing methane emissions. Section 4.11.1.3 of the EIS has been updated to discuss mitigation measures for GHG emissions.

FA4 – U.S. Environmental Protection Agency (cont'd)

Cumulative/Indirect Effects	
FA4-24	The DEIS states that FERC received numerous comments during scoping for the project about cumulative impacts associated with development of natural gas reserves (including hydraulic fracturing) in the Marcellus Shale region. In response to those comments, the DEIS states that because the extraction point of Marcellus Shale deposits is greater than 10 miles from project construction areas, air quality control regions and sub-watersheds crossed by the project, "...local resources that may be affected by Marcellus Shale development would not be affected by the Project, and local resources affected by the Project would not be affected by development in the Marcellus Shale region" and therefore "cumulative impacts associated with Marcellus Shale development are not discussed further" in the DEIS. Geographic proximity is not in and of itself the standard for NEPA's requirement to consider impacts that have a reasonably close causal relationship to the proposed federal action. We recommend that FERC reconsider this rationale and provide a more complete explanation in the FEIS.

FA4-24 The Council on Environmental Quality (CEQ) regulations require agencies to consider the environmental effects of their proposed actions, including: (1) direct effects, which are caused by the action and occur at the same time and place; and (2) indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable (40 CFR § 1508.8). Agencies are also required to consider the cumulative impacts of proposed actions, which are defined as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions...." (40 CFR § 1508.7). The fourth principle of CEQ's general principles governing cumulative effects analyses emphasizes that "it is not practical to analyze the cumulative effects of an action on the universe; the list of environmental effects must focus on those that are truly meaningful" (Considering Cumulative Effects Under the National Environmental Policy Act {CEQ 1997}).

Impacts that may result from additional shale gas development are not "reasonably foreseeable" as defined by the CEQ regulations. Nor is such additional development, or any correlative potential impacts, an "effect" of the project, as contemplated by the CEQ regulations, for purposes of a cumulative impact analysis. The development of the Marcellus shale, which is regulated by the states, continues to drive the need for takeaway interstate pipeline capacity to allow the gas to reach markets. Therefore, companies are planning and building interstate transmission facilities in response to this new source of gas supply. In addition, many production facilities have already been permitted and/or constructed in the region, creating a network through which natural gas may flow along various pathways to local users or the interstate pipeline system, including Algonquin's existing system. Algonquin would receive natural gas through its interconnection with other natural gas pipelines. These interconnecting pipeline systems span multiple states with shale formations in the northeast, as well as conventional-gas, plays. Algonquin cannot estimate how much of the project volumes will come from current/existing gas production and how much, if any, will be new production "attributable" to the project.

We also note that EPA and states have imposed regulations within the past 2 to 3 years on natural gas production to minimize leaks and methane emissions. Therefore, past studies on production leaks and methane emissions cannot be used to appropriately predict future methane emissions. Predicting methane emissions and associated climate impacts is speculative given the new required minimization efforts.

The project does not depend on additional shale gas production that may occur for reasons unrelated to the project and over which the Commission has no control, such as state permitting for additional gas wells. An overall increase in production of shale-gas may occur for a variety of reasons, but the location and subsequent production activity is unknown, and too speculative to assume based on the interconnected interstate natural gas pipeline system. Accordingly, the factors necessary for a meaningful analysis of when, where, and how shale-gas development would occur are unknown at this time. It is simply impractical for the Commission to consider impacts associated with additional shale gas development, in separate geographic areas as the proposed Project, as cumulative or indirect impacts resulting from the Project which must, under CEQ regulations, be meaningfully analyzed by this Commission.

FA4 – U.S. Environmental Protection Agency (cont'd)

Indian Point Nuclear Power Plant	
FA4-25	<p>The Entergy Hazard Analysis should be included in the FEIS. As FERC is aware, public interest in work that might affect the existing Indian Point Nuclear Power Plant is extremely high. The FEIS should fully consider any safety features and mitigation measures suggested by Entergy for the pipeline.</p> <p>¹http://www.epa.gov/gasstar/index.html</p>
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FA4-25 Section 4.12.3 of the EIS has been updated to reflect Algonquin's agreed upon additional design and installation enhancements, the results of Entergy's site hazards analysis for the AIM Project, as well as the results of the Nuclear Regulatory Commission's (NRC) independent review and conclusion on Entergy's evaluation. Algonquin has agreed to additional design and installation enhancements along approximately 3,935 feet of the AIM Project pipeline where it would lie closest to the Indian Point Energy Center (IPEC) facility. These measures include: using internally coated pipe that exceeds the most stringent Class 4 requirements set by the U.S. Department of Transportation (DOT); installing two parallel sets of fiber-reinforced concrete slabs (3 feet wide by 8 feet long by 6 inch thick) over the pipeline that would act as a physical barrier over the buried pipe; installing yellow warning tape above and below the concrete slabs; burying the pipeline to a minimum depth of 4 feet from the top of the pipeline (and an additional foot deeper when crossing Broadway Street); and providing thicker internal and external corrosion protection, including an abrasive resistant overlay and internal coating of the pipeline. Entergy concluded that the proposed AIM Project poses no increased risks to IPEC and there is no significant reduction in the margin of safety. Accordingly, as documented in its 10 Code of Federal Regulations (CFR) 50.59 analysis, Entergy has concluded that the change in the design basis external hazards analysis associated with the proposed AIM Project does not require prior NRC approval. However, the NRC conducted its own independent, confirmatory blast analysis that did not allow any credit for the additional mitigation measures and assumed a catastrophic pipeline failure. The review covered everything within the security owner controlled area, which includes everything inside the outer most fenced area of the facility, including the generating facilities as well as other office buildings/structures and the spent fuel storage areas. Based on its review, the NRC came to the same conclusion that Entergy did in its 50.59 submission.

FA4 – U.S. Environmental Protection Agency (cont'd)

Migratory Birds

FA4-26 The DEIS (pg. 4-112) discusses the Migratory Bird Treaty Act MOU between FERC and the United States Fish and Wildlife Service (FWS). The DEIS states that Algonquin should file reports of updated consultations with the FWS prior to the end of the FEIS comment period. While FERC requests that information so it can be provided in the FEIS, the MOU clearly states that FERC "...direct applicants...to jointly develop project-specific conservation measures with the FWS during the pre-filing process and/or the initial planning of projects...." Pre-filing is commonly understood to be the period before FERC begins the environmental process under NEPA. As an important element of the project, any mitigation plan for migratory birds should have been provided as part of the DEIS so that it is available for review by agencies and the public during the public comment period. The FEIS should include this information as well as a description of the status of coordination on this issue between FERC and the FWS.

FA4-26 Comment noted. FERC directed Algonquin to informally consult with the U.S. Fish and Wildlife Service (FWS) regarding migratory birds during the pre-filing process and prior to issuance of the draft EIS. FERC requested that the FWS consider the draft EIS the draft Biological Assessment for the Project. Section 4.7 of the EIS has been revised to include the conclusions on consultation with the FWS, including regarding migratory birds.

FA5 – U.S. Nuclear Regulatory Commission

20140930-5069 FERC PDF (Unofficial) 9/30/2014 8:53:21 AM

U.S. Federal Energy Regulatory Commission Draft Environmental Impact Statement

Algonquin Gas Transmission, LLC

Docket No. CP14-96-000

Comments Provided by the U.S. Nuclear Regulatory Commission

Focus of NRC Comments

NRC comments are limited to the impact of the proposed 42-inch diameter natural gas pipeline on the continued safe operation of the Indian Point nuclear power plant located in Buchanan, NY.

Comment 1: The Southern Route Crossing of the Hudson River

FA5-1 During the early planning phase of the AIM Project, Algonquin considered both a Northern and Southern Route Crossing of the Hudson River in the vicinity of the Indian Point nuclear power plant. The Northern Route Crossing would run near the existing Hudson River pipeline and use the same easement that houses the existing natural gas pipelines that cross the owner-controlled property at the Indian Point facility. The Southern Route Crossing is located approximately 0.5 miles south of the existing Hudson River crossing and would be further south of the Indian Point facility. Algonquin's preferred option is the Southern Route Crossing and this is the proposed pipeline routing as described in the draft FERC EIS. The NRC comments assume that the pipeline will be constructed along the Southern Route Crossing of the Hudson River as described in the draft FERC EIS.

FA5-1 Comment noted.

Comment 2: Discussion of the Ramapo Fault

Page ES-3 of the draft EIS includes the following paragraph:

FA5-2 The potential for geologic hazards, including seismic events, to significantly affect construction or operation of the proposed Project facilities is low. Although the Ramapo Fault has been linked to recent earthquake occurrence in the area, the design of the pipeline takes into consideration site-specific conditions, including earthquakes. The recorded magnitude of earthquakes in the Project area is relatively low and the ground vibration would not pose a problem for a modern welded-steel pipeline.

FA5-2 Comment noted. The EIS has been updated to reflect these edits.

The NRC recommends revising the above paragraph to more accurately describe the seismic activity of the Ramapo Fault as follows:

The potential for geologic hazards, including seismic events, to significantly affect construction or operation of the proposed Project facilities is low. *The U.S. Geological Survey (USGS) has extensively studied the Ramapo Fault system and the level of seismicity in the region. The USGS's review of data for evidence of Quaternary fault activity (i.e., within the last 1.6 million years) encompassing the Eastern United States indicates that there is no clear association between the fault and small earthquakes that do occur in the region. Further, there is insufficient geologic evidence to indicate the existence of a tectonic fault or Quaternary slip or deformation associated with the fault (Crone and Wheeler*

FA5 – U.S. Nuclear Regulatory Commission (cont'd)

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FA5-2
(cont'd)

2000; Wheeler 2006). The design of the pipeline takes into consideration site-specific considerations, including earthquakes. The recorded magnitude of earthquakes in the Project area is relatively low and the ground vibration would not pose a problem for a modern welded-steel pipeline.

Wheeler RL. 2006. "Quaternary tectonic faulting in the Eastern United States." *Engineering Geology* 82:165–186.

Crone AJ, Wheeler RL. 2000. *Data for Quaternary Faults, Liquefaction Features, and Possible Tectonic Features in the Central and Eastern United States, East of the Rocky Mountain Front*. Reston, VA: U.S. Geological Survey. Open-File Report 00-260. 2000. 332 p. Available at <<http://pubs.usgs.gov/of/2000/ofr-00-0260/>>

Comment 3: Discussion of the Safety Impact on the Indian Point Nuclear Plant

During preparation of the draft EIS, Entergy was actively performing a site hazards analysis to assess the impact of the proposed gas pipeline on the safe operation of the Indian Point nuclear power plant. Several times in the draft EIS, FERC discussed Entergy's site hazards analysis, NRC's involvement with this assessment, and how a final resolution would need to be made between all parties. This is discussed on 1) page ES-8 of the Executive Summary, 2) page 4-267 under Section 4.12.3, "Impact on Public Safety," 3) page 5-15 under Section 5.1.12, "Reliability and Safety," and 4) page 5-25 as Recommendation No. 42 under Section 5.2, "FERC Staff's Recommended Mitigation."

FA5-3 By letter dated August 21, 2014, Entergy provided their site hazards analysis to the NRC. NRC inspection of Entergy's site hazards analysis is ongoing as of the close of the public comment period for the draft EIS and the results of this inspection are scheduled for issuance in mid-November 2014. This is in advance of FERC's planned issuance of the final EIS in mid-December 2014. It is recommended that FERC and NRC discuss the final inspection findings in the mid to late October 2014 time frame to allow FERC to more accurately update the final EIS. In the interim, the NRC recommends revising these discussions to include the following:

Entergy performed a site hazards analysis to assess any new safety impacts on the IPEC facility and concluded that, based on the proposed southern routing of the 42-inch pipeline and accounting for the substantial design and installation enhancements agreed to by Spectra Energy, the proposed pipeline poses no increased risks to IPEC. By letter dated August 21, 2014, Entergy submitted the site hazards analysis to the Nuclear Regulatory Commission for inspection. The results of this independent inspection are scheduled for issuance in mid-November 2014. Prior to construction in the vicinity of the IPEC facility, Spectra Energy shall consider the findings of the Nuclear Regulatory Commission's inspection to ensure that the AIM Project will not present any new safety hazards to the IPEC facility.

FA5-3 See the response to comment FA4-25.

FA5 – U.S. Nuclear Regulatory Commission (cont'd)

20140930-5069 FERC PDF (Unofficial) 9/30/2014 8:53:21 AM

Comment 4: Discussion of Nuclear Energy

FA5-4 Page 3-9 under Section 3.2.2.1, "Nuclear Energy," includes the following paragraph:

Because the subject of nuclear power remains controversial, any future proposals to construct new or expand existing facilities in the region would likely involve prolonged regulatory review and public opposition. Furthermore, there are environmental and regulatory challenges concerning safety and security, the disposal of toxic materials (spent fuel), and alterations to hydrological/biological systems (for cooling water) that would need to be addressed before any new plants could be constructed. Even if these challenges could be overcome, a new plant would not likely be operational for many years. For these reasons, new sources of nuclear power could not meet the schedule of the Project and are not currently a practicable alternative to the proposed Project.

The NRC recommends the paragraph be revised as follows:

Because the subject of nuclear power remains controversial, any future proposals to construct new or expand existing facilities in the region would likely involve prolonged regulatory review and public opposition. Furthermore, *there is a regulatory process addressing safety and environmental issues (including reviews in the areas of nuclear safety and security, the disposal of spent nuclear fuel, and alterations to hydrological and biological systems) that would have to be completed before any new plants could be constructed and operated.* Even if this regulatory review process were completed, a new plant would not likely be operational for many years. For these reasons, new sources of nuclear power could not meet the schedule of the Project and are not currently a practicable alternative to the proposed Project.

FA5-4 The text of section 3.2.2.1 of the EIS has been revised.

FA6 – U.S. Congressman Stephen Lynch

20140930-0027 FERC PDF (Unofficial) 09/25/2014

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PUBLIC FILE

CP14-96

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LYNCH.HOUSE.GOV

STEPHEN F. LYNCH
8TH DISTRICT, MASSACHUSETTS

COMMITTEE ON FINANCIAL SERVICES
SUBCOMMITTEE ON CAPITAL MARKETS AND
GOVERNMENT SPONSORED ENTERPRISES
SUBCOMMITTEE ON FINANCIAL INSTITUTIONS
AND CONSUMER CREDIT

COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM
RANKING MEMBER, SUBCOMMITTEE ON
FEDERAL WORKFORCE, US PORTAL SERVICE, AND THE COUNCIL
SUBCOMMITTEE ON NATIONAL SECURITY, HOMELAND
DEFENSE AND FOREIGN OPERATIONS

ASSISTANT DEMOCRATIC WHIP

September 24, 2014

Ms. Cheryl A. LaFleur, Chairman
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: Algonquin Gas Transmission, LLC
FERC Docket No. CP14-96

Dear Commissioner LaFleur:

I am writing in regard to the Algonquin Incremental Market Project proposed by Algonquin Transmission, LLC (Algonquin). As United States Representative for the Massachusetts Eighth District, I represent Boston's West Roxbury neighborhood and a number of surrounding towns including Dedham and Westwood that this project will affect.

At the recent public hearing held in Dedham, Massachusetts, many issues were raised that warrant consideration as the process moves forward. Of particular concern is the impact that the proposed compressor pump station will have on the area. This station is located close to an active quarry in West Roxbury. Many residents conveyed their concerns about how this project effected the environment, specifically referring to the dangers of natural gas. In addition to environmental concerns, the pipeline will run in close proximity to an area densely populated by young, old, and infirm individuals. This is of grave concern to area residents and local officials. In addition to this concern, questions have been raised about the safety of locating this gas pipeline very near fields used for youth athletics in Dedham. These question and concerns must be addressed and answered in full.

To date, as part of the community outreach process, Algonquin has made themselves available to answer questions and discuss concerns, and they have worked to mitigate certain impacts of the construction along the route. Algonquin has made changes to its plan in order to mitigate some concerns surrounding the displacement of Saint Theresa's church and school in West Roxbury. It is of the utmost importance that FERC use this opportunity to ensure that Algonquin continues to thoroughly review all possible routes, and that the final decision provides the greatest degree of environmental protection and public safety.

My office has continued to receive inquiries and hear concerns from the affected communities. Due to the large number of inquiries and the critical nature of this project, I respectfully request that the comment period set to end September 29, 2014, be extended. An extension of the comment period will allow residents to further inquire about the project and submit informed comments to the official docket.

Reducing our nation's dependence on foreign oil and meeting the energy needs of Massachusetts and the New England Region are critical and shared concerns. As we strive to achieve energy independence and

2014-00210

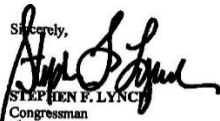
- FA6-1 There is no proposed compressor pump station in West Roxbury, Massachusetts. The Project includes the West Roxbury Meter and Regulating (M&R) Station, which would be located adjacent to an active quarry. An engineering analysis of potential impacts of blasting in the quarry on the West Roxbury Lateral and West Roxbury M&R Station is provided in section 4.1.4 of the EIS. We note that the M&R station would be an industrial facility constructed of materials capable of withstanding nearby blasting. A third-party geotechnical consultant concluded that ground vibrations from blasting at the quarry would not be disruptive or damaging to the M&R station or the pipeline.
- FA6-2 Section 4.12 of the EIS discusses the properties of natural gas as they are related to safety concerns.
- FA6-3 Section 4.12.1 of the EIS discusses pipeline safety concerns associated with locating the pipeline in High Consequence Areas (HCA). In addition, Algonquin has provided a site-specific construction details for Gonzalez Field, which is discussed in section 4.8.5.3 of the EIS.
- FA6-4 Comment noted.
- FA6-5 We disagree. All notices of FERC sponsored public meetings were mailed to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potential affected landowners and other interested individuals and groups on the environmental mailing list; newspapers and libraries in the Project area; and parties to this proceeding, with at least 2 weeks advance notice. Section 1.4 of the EIS describes the public review and comment process for the Project and has been revised to reflect the outreach activities conducted after issuance of the draft EIS. Opportunities for public comment have included: 15 landowner informational meetings and 10 public open house meetings held by Algonquin, and 4 scoping and 5 public comment meetings held by FERC staff, within all four states covering the AIM Project area, beginning in August 2013. Also, FERC staff held several interagency meetings, conference calls, and site visits for the Project. Stakeholders could provide their comments in multiple ways, not just by attendance at meetings. The Commission also accepts and considers written comments from any interested stakeholder. The Commission gives equal consideration to written comments and comments received at a public meeting. We received 639 comment letters from stakeholders during the scoping period for the Project and through the publication of the draft EIS. Prior to the end of the comment period, the draft EIS was available for comment for 54 days. We also continued to accept comment letters past the close of the comment period. Those comments submitted through 2 weeks after the close of the comment period are also included in this appendix. Comments received after October 10, 2014 were reviewed for any new substantive issues, but the comments continued to reiterate issues already raised by other commentors. We received 484 comment letters on the draft EIS. Therefore, anyone wishing to comment on the Project who was not able to attend a comment meeting in person could do so. The comments and our responses are comprehensive in covering the potential environmental issues associated with the Project. We do not believe that extending the comment period, notifying additional individuals, or holding additional public meetings would result in the identification of any new, substantive issues not already covered in the EIS.
- FA6-6 Comment noted.

FA6 – U.S. Congressman Stephen Lynch (cont'd)

20140930-0027 FERC PDF (Unofficial) 09/25/2014

FA6-6
(cont'd) energy security, we must be cautious in our approach to locating the necessary infrastructure. It is my hope that as you review information relative to the Algonquin Incremental Market project obtained during the public hearing process, you will carefully consider the concerns raised by residents and officials of the impacted communities.

Thank you for your consideration on this important and time sensitive matter. If I may be of further assistance on this matter, please do not hesitate to contact me.

Sincerely,

STEPHEN F. LYNCH
Congressman
8th District
Massachusetts

FA7 – U.S. Congresswoman Elizabeth H. Esty

20141002-0011 FERC PDF (Unofficial) 09/30/2014
Responding to your message (Intranet Quorum IMA00101622) - Jehmal Hudson

Page 1 of 1

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CP14-96
PF13-16

Responding to your message (Intranet Quorum IMA00101622)

Office of Representative Elizabeth Esty (imailagent) <CT05EEima@MAIL.HOUSE.GOV>

Tue 9/30/2014 9:53 AM

To: Jehmal Hudson <Jehmal.Hudson@ferc.gov>;

1 attachment
IQFormatFile.txt

ELIZABETH H ESTY
8th District, Connecticut
COMMITTEE ON
TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON
HIGHWAYS AND TRAIL
SUBCOMMITTEE ON
RAILROADS, PIPELINES AND MARITIME
SUBCOMMITTEE ON
AVIATION

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SEP 30 2014
OFFICE OF
EXTENSION
MAY 30 2014
REGULATORY
COMMISSION

September 30, 2014

Dear Mr. Hudson,

I write on behalf of my constituent, Mr. Stephen D. Kohlhasse of Brookfield, Connecticut.

Mr. Kohlhasse contacted me regarding his concerns with the Iroquois and Algonquin Natural Gas Transmission Systems operating in the State of Connecticut (AIM dockets PF13-16-000 and CP14-96-000).

I would appreciate it if you would provide me with an update on the status of this project and confirm that you are in receipt of Mr. Kohlhasse's comments for the record. Please address your response to my office at 114 W Main St., Suite 206, Old Post Office Place, New Britain, CT 06051.

Thank you for your attention to this matter. I look forward to hearing from you.

Sincerely,
Elizabeth H. Esty
Elizabeth H. Esty
Member of Congress

2014-00213

<https://pod51045.outlook.com/owa/>

9/30/2014

FA7-1 See the responses to comment letters IND3, IND89, IND149, and IND235.

FA8 – U.S. Army Corps of Engineers, New York District

20141007-4003 FERC PDF (Unofficial) 10/07/2014

Magdalene Suter

From: Yan, Jun NAN1 <Jun.Yan@usace.army.mil>
Sent: Monday, September 29, 2014 10:24 AM
To: Magdalene Suter; Jennifer Lee
Cc: Ryba, Stephan A NAN02; McDonald, Jodi M NAN02; Rose, Cori M NAE; Tyrrell, Michael
Subject: USACE New York District comments on DEIS Algonquin Incremental Market AIM Project Docket No CP14-96-000 (UNCLASSIFIED)

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Classification: UNCLASSIFIED
Caveats: NONE

Ms. Suter:

Please accept the following USACE-New York District comments for the Algonquin Incremental Market AIM Project Draft Environmental Impact Statement (DEIS) under Docket No CP14-96-000.

- FA8-1 1) During the public meeting at Cortlandt Manor the Atlantic Bridge project was identified as an upcoming natural gas pipeline project. The DEIS contains minimal information concerning the project. Recommendation: please provide more information describing the purpose and scope of the Atlantic Bridge project.
- 2) Recommendation: Please demonstrate that the Atlantic Bridge Project is not an segmentation of the AIM project.
- FA8-2 3) Recommendation: Please conduct an independent utility analysis of the AIM project and the Atlantic Bridge project to assess whether the one project could be could be constructed absent the construction of other project.
- FA8-3 4) Recommendation: Please updated the cumulative impact analysis of the DEIS to include the cumulative impacts associated with the Atlantic Bridge Project.

Thank you

V/r
Jun Yan, P.E.
Project Manager, Eastern Section
Regulatory Branch
NY District U.S. Army Corps of Engineers
26 Federal Plaza, Room 1937
New York, NY 10278
Phone (917) 790-8092

Classification: UNCLASSIFIED
Caveats: NONE

FA8-1 An expanded discussion of the Atlantic Bridge Project has been included in the cumulative impact analysis (section 4.13) of the EIS. See also the response to comment FA3-5.

FA8-2 See the response to comment FA3-5.

FA8-3 See the response to comment FA8-1.

NATIVE AMERICAN TRIBES

NA1 – Mashantucket (Western) Pequot Tribal Nation

20140825-4002 FERC PDF (Unofficial) 08/25/2014

From: [Knowles, Kathleen](#)
To: [Eric Howard](#)
Cc: [Stevens, Sue](#)
Subject: DEP/DG2E/GAS 2 - ALGONQUIN GAS TRANSMISSION, LLC - DOCKET NO. CP14-96-000 - FERC/EIS-0254D - DRAFT ENVIRONMENTAL IMPACT STATEMENT -
Date: Saturday, August 23, 2014 4:28:24 PM

Re: OEP/DG2E/GAS 2
ALGONQUIN INCREMENTAL MARKET PROJECT (AIM PROJECT)
DRAFT ENVIRONMENTAL IMPACT STATEMENT
DOCKET NO. CP14-96-000
FERC/EIS-0254

NA1-1 We are in receipt of the disk, regarding the Draft Environmental Impact Statement for the proposed AIM Project & we concur, as per 5.0 CONCLUSIONS & RECOMMENDATIONS – SUMMARY OF THE FERC STAFF'S ENVIRONMENTAL ANALYSIS, that the "construction & operation of the AIM Project would result in adverse environmental impacts." The Mashantucket (Western) Pequot Tribe has an interest in this proposed project & the affect the proposed project may have on potentially significant religious and cultural resources. Please keep me informed of any further developments with respect to this project.
The Mashantucket (Western) Pequot Tribe appreciates the opportunity to review and comment on this proposed project.


Kathleen Knowles
Tribal Historic Preservation Officer
Natural Resources Protection & Regulatory Affairs

Mashantucket (Western) Pequot Tribal Nation
550 Trolley Line Blvd., P.O. Box 3202, Mashantucket, CT 06338-3202
TEL: 860-396-6887 FAX: 860-396-6914
kknowles@mptn-nsn.gov

NA1-1 Comment noted.

STATE AGENCIES

SA1 – New York Assemblyman Thomas J. Abinanti

 Thomas J. Abinanti Assemblyman 62nd District 303 South Broadway, Suite 229 Tarrytown, New York 10591 914-631-1605 FAX: 914-631-1609	<p>THE ASSEMBLY STATE OF NEW YORK ALBANY SECRETARY OF THE COMMISSION</p> <p>2014 SEP 22 A 11:36</p> <p>FEDERAL ENERGY REGULATORY COMMISSION</p>	<p>ORIGINAL</p> <p>Email: abinanti@assembly.state.ny.us www.assembly.state.ny.us</p> <p>Legislative Office Building Albany, New York 12248 518-465-6753 FAX: 518-465-6920</p>
<p>September 15, 2014</p> <p>Kimberly D. Bose, Secretary Federal Energy Regulatory Commission 888 First Street NE, Room 1 Washington, DC 20426</p> <p>RE: Draft Environmental Impact Statement ("DEIS") for Algonquin Incremental Market ("AIM") Project FERC Docket No. CP 14-96-00</p> <p>Dear Secretary Bose,</p> <p>SA1-1 As elected officials representing constituents impacted by the Spectra Algonquin Incremental Market ("AIM") project (the "Project"), we believe that the Draft Environmental Impact Statement ("DEIS") released by the Federal Energy Regulatory Commission (the "Commission") on August 6, 2014 is inadequate as a National Environmental Policy Act document, and we urge the Commission not to further consider the proposed Project for approval until each of the deficiencies and omissions identified in Section 5.5 of the DEIS is completed and made available for review and public comment. Additionally, we request a minimum of a ninety day public comment period upon release of a fully complete Supplemental Draft Environmental Impact Statement.</p> <p>SA1-2 The Commission's DEIS is supposed to address the numerous environmental impacts that may be caused by the proposed Project. Given the size and scope of the Project and the complex issues addressed in the more than 900 page DEIS, we believe a comment period of just over fifty (50) days is insufficient to permit our constituents and ourselves to review the proposed plan and its impact on our state, counties, local communities, and economy. Public meetings and a detailed review of the DEIS have yielded substantial concerns that have deepened and become more numerous as review of the document has continued.</p> <p>SA1-3 A review of the DEIS reveals that virtually no aspect of the document is complete. The deficiencies are pervasive and substantial. Taken together they deprive the public of a meaningful opportunity to comment on the proposed plans and fail to impose enforceable mitigation requirements prior to permitting. Significant omissions from the DEIS include, but are not limited to, the following:</p>		

SA1-1 See the response to comment FA4-1.

SA1-2 See the response to comment FA6-5.

SA1-3 See the response to comment FA4-1.

SA1 – New York Assemblyman Thomas J. Abinanti (cont'd)

SA1-4	• Final conclusions on safety-related conflicts with the Indian Point nuclear energy facility are not provided (Section 4.12.3);
SA1-5	• A Field Sampling Plan for potential soil contamination is not provided (Section 4.2.2.6);
SA1-6	• NYSDOS approval of consistency assessment for Hudson Crossing has not been obtained (Section 4.8.4.1);
SA1-7	• Design modifications for New York M&R stations are not complete (Section 4.11.1.2);
SA1-8	• A Site Specific construction plan for St. Patrick Church is not provided (Section 4.8.5.1);

SA1-4 See the responses to comments FA4-1 and FA4-25.

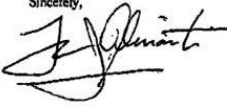
SA1-5 FERC recognizes that a field sampling plan is required and has requested submittal of the plan prior to the FERC giving approval for a Notice to Proceed for construction of the Project. If the field sampling plan is inadequate, the Notice to Proceed would be delayed until a plan meeting the requirements listed in the EIS is submitted.

SA1-6 On September 2, 2014, the New York State Department of State (NYSDOS) sent a letter concurring with Algonquin's New York Coastal Management Program consistency certification. On October 21, 2014, Algonquin provided an update to the NYSDOS regarding the revised alignment of the Hudson River Crossing. On October 30, 2014, the NYSDOS confirmed via email that the revised alignment does not change the Project's effect on coastal policies, and that the September 2 concurrence letter remains valid. Section 4.8.4 of the EIS has been revised accordingly.

SA1-7 See the response to comment FA4-1. The scope of work at each of the M&R stations included as part of the Project is provided in table 2.1.2-1 of the EIS. The specific design modifications for those stations to be modified or constructed in 2015 have been advanced to the point that Algonquin has determined that no air permits or any other air permit registration documentation would be required. All combustion and non-combustion sources and emissions at the 2015 M&R stations would either be less than permit thresholds or categorically exempt from permitting. For those M&R stations to be modified for construction in 2016, Algonquin also does not anticipate any air permit requirement or other authorization.

SA1-8 Section 4.8.5.1 of the EIS has been revised to include additional site-specific details for construction near St. Patrick's Church. The workspace associated with the Project would be located partially within two parking lots associated with the church. Church officials have indicated that most parishioners use on-street parking; nonetheless, Project construction would temporarily reduce the area available for off-street parking near the church. In addition to weekend masses, the church conducts weddings, baptisms, funerals, and holiday services throughout the week, as well as holding 9:00 a.m. masses each Monday, Tuesday, Wednesday, and Friday. Algonquin has agreed to avoid construction activities during weekend services, thereby reducing some impacts on church activities during construction. However, during weekday functions the church would experience temporary impacts from construction noise, dust, and traffic, similar to those impacts experienced by other landowners and businesses in the Project area. We are recommending that Algonquin revise its site-specific construction plan for St. Patrick's Church to avoid construction activities during the scheduled morning weekday masses as well as to include other measures to reduce impacts on the church. We conclude that the measures Algonquin proposes to implement and our additional recommended measures are sufficient to minimize impacts on St. Patrick's Church to less than significant levels. See also the response to comment FA4-1.

SA1 – New York Assemblyman Thomas J. Abinanti (cont'd)

SA1-9	<ul style="list-style-type: none"> A Site Specific construction plan for Buchanan-Verplanck Elementary is not provided (Section 4.8.5.1);
SA1-10	The Supplemental Draft Environmental Impact Statement should also include the risk assessments, environmental baseline testing, and other concerns that are called for in resolutions passed by many government administrations in our area.
SA1-11	Additionally, residents recently learned of a second pipeline expansion project, the Spectra Atlantic Bridge project, which will impact the same areas and extend the construction periods in the affected regions. The cumulative impacts of the two projects should be considered together not segmented. Our constituents must be allowed to review and comment on the full scope of the planned expansion of this pipeline before any approval is issued.
SA1-12	Therefore, we request that the DEIS be withdrawn until all issues are fully addressed in a Supplemental Draft Environmental Impact Statement and that a new public comment period of no less than ninety days commence upon its release.
Thank you very much for your prompt consideration of this request.	
Sincerely,	
	

SA1-9

The Buchanan-Verplanck Elementary School would be located adjacent to the Stony Point to Yorktown Take-up & Relay segment of the AIM Project between MPs 4.9 and 5.0. The Project right-of-way and construction workspace would be about 450 feet from the school facility at its closest point on property owned by Con Edison, which abuts the school property. Section 4.8.5.1 of the EIS has been revised to include additional site-specific details for construction near the Buchanan-Verplanck Elementary School. Algonquin has committed to enhanced mitigation measures for construction and operation near the IPEC; these measures would also extend to the segment of pipeline near Buchanan-Verplanck Elementary School. Algonquin has agreed to avoid rock blasting in the vicinity of the school, and would also attempt to complete construction of this segment during the summer months when school is not in session. However, due to Indiana and northern long-eared bat tree clearing timing restrictions, construction may be delayed until the fall. Even so, the intervening wooded land and natural berm between the construction workspace and the school would provide a buffer to visual, noise, and dust impacts associated with construction activities. We conclude that impacts on Buchanan-Verplanck Elementary School would be sufficiently minimized. See also the responses to comments FA4-1 and FA4-25.

SA1-10

See the responses to comment letters LA1, LA2, LA4, LA5, LA8, LA9, LA22, LA31, and LA32.

SA1-11


See the responses to comments FA3-5 and FA6-5.

SA1-12

See the responses to comments FA4-1 and FA6-5. We believe the analysis in the draft EIS and the revised analysis in the final EIS are appropriate and does not warrant the need for a supplemental draft EIS.

SA2 – New York Assemblywoman Sandra Galef

20140924-5026 PERC PDF (Unofficial) 9/24/2014 10:24:45 AM



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Election Law
Governmental Operations
Health

SANDRA R. GALEF
Assemblywoman 95th District

September 24, 2014

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

Re: Project Docket Number CP14-96-000

Dear Secretary Bose,


SA2-1 As you know from my previous correspondence, I am very concerned about the siting of the Algonquin Incremental Pipeline project in my district because of the confluence of high powered energy that it would create in a very small geographic area. I have written you about its proximity to the Indian Point operating nuclear reactors Numbers 2 & 3 and my concern about safety.

SA2-2 Recently, I received the attach correspondence from a constituent of mine who lives in the Hamlet of Verplanck, right near where this project is requesting to be sited. He raises the point that while you are now just considering a certain size of pipes and projection for the amount of gas to be travelling through the pipes, Spectra is advertising, under a number of different titles, a much different amount. He has spelled out his concerns in this letter and attached supporting documentation.

I respectfully request that you give this your very serious consideration as part of your review before making a decision that could have a lasting negative impact for the region.

Thank you for your consideration.

Sincerely,



Sandra R. Galef
NYS Assemblywoman
95th Assembly District

ATTACHMENTS
cc: Bernard Vaughey

ALBANY OFFICE: Room 641, Legislative Office Building, Albany, New York 12248, (518) 455-5348, FAX (518) 455-5728
DISTRICT OFFICE: 2 Church Street, Ossining, New York 10562, (914) 941-1111, FAX (914) 941-9152
E-MAIL: galefs@assembly.state.ny.us WEBSITE: www.assembly.state.ny.us

SA2-1 See the response to comment FA4-25.

SA2-2 Through the AIM Project, Algonquin proposes to provide 342,000 Dth/d of natural gas to 10 project shippers as specified in section 1.1 of the EIS. That is the scope of the Project analyzed in this proceeding. See also the response to comment FA3-5.

SA2 – New York Assemblywoman Sandra Galef (cont'd)

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Bernard Vaughey
215 Broadway
Verplanck, NY 10596

September 22, 2014

Assemblywoman Sandy Galef
District Office
2 Church Street
Ossining, NY 10562

RE: Need for corrected capacity of AIM pipeline for reports and analysis

Dear Assemblywoman Galef,

First, I would like to thank you for your strong support to compel FERC to withdraw the Draft Environmental Impact Statement (DEIS) that FERC prepared, reviewed and published for Spectra's Algonquin Incremental Market (AIM) project, FERC case number CP 14-96. Your comments at the 9/15/14 hearing in Cortlandt, as well as your appearance and supportive comments at other meetings, is greatly appreciated.

SA2-3 | We agree that there is a need for FERC to address the missing components of the DEIS. These missing components include FERC's own comment of a Hazards Analysis, performed by Entergy for the Indian Point Energy Center; Westchester County's Board of Legislators resolution for independent air emission baseline assessment; comprehensive Health Impact Assessment, and a full Environmental Impact Statement in accordance with NYSEQRA.

SA2-4 | I have grave concerns over the lack of required reports and analyses in the DEIS, submitted to date. I have grave concerns about reports submitted with what appear to be incorrect or flawed capacities that would, in turn, render any other capacity-based documents and assessments flawed as well. It does not appear that Spectra/Algonquin is revealing the ultimate scope of their planned system upgrades.

As has been discussed, the missing tests and reports, if they are actually now performed, will themselves be flawed, due to a lack of correct capacity information used to formulate the reports. As it appears now, these reports will only address AIM quantities, the 1.4 billion cubic feet per day (Bcf/d) that Algonquin indicates passes under the Hudson, plus only the requested 330 million cubic feet per day (Mmc/d) that the AIM project is requesting, or approximate 1.73 Bcf/d.

1

SA2-3 See the responses to comments FA4-1, FA4-25, SA4-9, SA4-10, SA4-15, and LA4-6.

SA2-4 See the response to comment SA2-2.

SA2 – New York Assemblywoman Sandra Galef (cont'd)

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SA2-5] This figure is **fundamentally flawed**. I put the question to you: Why is a 75% increase in HP at Stony Point, a 25% increase in the pipeline operating pressure, and a 200%-plus increase in pipe area for the 26 inch line replacement pipe all needed to move just an additional 23% volume of gas, 1.4 to 1.73 Bcf/d? The pieces are now coming together:

A gas industry news website, Natural Gas Intelligence (NGI), cites the benefits of the added 342 million cubic feet per day of the AIM project, **expandable by 1.5 BILLION cubic feet per day** (Bcf/d). While that 1.5 Bcf/d number exceeds the capacity of both of the gas lines currently under the river and thru Indian Point, the number is not substantiated in the report. However, other available information supports a number close to that, or at least a capacity that is **many times what Spectra is currently requested**. Therefore, I believe this makes this DEIS and any reports and analysis' based upon only the additional requested 342,000 Dth/d **flawed**.

A good portion of that purported expansion capacity could be the **Atlantic Bridge** project, for an additional 100,000 to in excess of 600,000 Dth/d, or 0.6 BCF/d of the 1.5 BCF/d expansion. Algonquin has already publicized the Atlantic Bridge project, *which will utilize the new 42 inch AIM lines*, and the Stony Point compressor, without any noted modification. It will pick up at the end of the NY portion of the AIM project and replace the approximated 4 miles of pipeline replacement deleted early in this project, and it will again increase compression at Southeast, although the number is not published at this point.

The headline of another NGI article dated July 1, 2014, states that Spectra has plans to add additional capacity, up to 1 Bcf/d of power generation-dedicated capacity. News articles in the past week from various websites refer to this as the **Access Northeast** project.

This appears to be **segmentation**. Is this legal? It would appear that this expansion is a series of projects that are interrelated and effectively constitute a major project. A U.S. Court of Appeals recently ruled that FERC impermissibly segmented the environmental review of another gas project, per yet another NGI article dated 6/6/14.

Right now, the Hudson crossing, and by extension, the current lines thru Stony Point, Indian Point, Cortlandt, Yorktown and Somers, carry approximately **1.4 Bcf/d in 2014**. According to Spectra, this constitutes approximately 50 % of the natural gas delivered to the New England region, supplying power generators, industrial, commercial and residential customers.

If the AIM project is approved, that number would **increase to 1.73 Bcf/d by November 1, 2016**.

With the **Atlantic Bridge** project, and potential excess of 600,000 Dth/d, that quantity is **potentially approaching 2.3 bcf/d by Nov. 1, 2017**.

If the **Access Northeast** project materializes, as these others have, that will be **another 1 Bcf/d**, from the Spectra system, by 2018.

SA2-5

Since the AIM Project is an expansion project, Algonquin designed the necessary facilities to be able to flow both the current and incremental capacities. The Commission does not speculate on potential projects and evaluates each project as filed. The Commission, therefore, is only examining in this docket the proposed facilities to create the contracted incremental capacity.

Algonquin has not filed an application with the Commission for either a potential Atlantic Bridge or Access Northeast Projects. Rather, it appears that Algonquin is still evaluating interest for additional natural gas supplies in New England and Canada. Any potential projects are still in the development phase. Moreover, if the Atlantic Bridge, Access Northeast, or any other projects are further developed and filed with the Commission, the Commission will then evaluate each project on its merits. Each project will have discrete contracts, with varying rates, terms of service, and timelines.

Further, the cumulative effects discussion in section 4.13 has been revised to include the additional preliminary information on the Atlantic Bridge Project that has become available since the draft EIS for the AIM Project was published. In the event that Algonquin files an application for the Atlantic Bridge Project, or another project in the area, the impacts of the AIM Project will be included in the discussion of cumulative impacts in the environmental review for that project, if relevant. See also the responses to comments FA3-5 and SA2-2.

SA2 – New York Assemblywoman Sandra Galef (cont'd)

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SA2-5 (cont'd) If these reports are correct, Spectra could be more than doubling today's 1.4 Bcf/d capacity, to **over 3 Bcf/d in the not too distant future, perhaps by 2018**. The documents FERC has reviewed and published are for only 1.73 Bcf/d. How does that added capacity affect risk, safety and health factors? Again, any report, risk or health analysis is flawed, as it can be outdated shortly.

These gas line projects do not materialize overnight. We, the People of the State of New York, the people who are most at risk, need to know the end game plan for this facility through our state, not just these piecemeal segments.

SA2-6 Algonquin/ Spectra cites and hides behind "Critical Energy Infrastructure information", (CEII) which makes system pressure and flows and other information privileged information, and is therefore not released. While there is a time and a place for that security, in this case, not providing that information is UNACCEPTABLE.

SA2-7 We, the people of the State of New York are at risk not only by Spectra/Algonquin's pending intentions, but also by FERC's lack of vigilance in addressing these matters. These matters are so much in the mainstream that you can simply Google it. How can FERC overlook this information? One would wonder if FERC is putting the industry's interests ahead of the public's interests.

SA2-8 We DEMAND to know- **what is the ultimate maximum designed carrying capacity** of the proposed 42-inch system and proposed and possible additional compression? By that I mean, we must know the ultimate maximum safe operating capacity at which the 42-inch line would potentially be allowed to operate, once all obstructions are removed, and the line is operating at its maximum allowable pressure.

With the class of pipe specified, the welds, fittings, etc., is this 42-inch pipe line designed to operate at some higher pressure, perhaps the 1400 Pounds per Square Inch Gauge (PSIG) at which some other gas lines operate? Is this line / section only operating at 850 PSIG because that is the maximum burst pressure the pipe can ultimately safely handle, or is it due to the constraint caused by the remaining 26-inch line, limiting it to 850 PSIG? If it can at some near-future point operate at a higher pressure, like the 1400 PSIG pressure, then that is the figure – the 1400 PSIG - which should be used in the ultimate maximum design carrying capacity calculations.

SA2-9 While this information could be provided by Spectra or FERC, it has not. Where is the transparency? We need an independent analysis of this ultimate capacity calculation, for the benefit of the People of the State of New York.

I respectfully request that you continue to demand that FERC address this capacity issue immediately. The People of the State of New York deserve correct information in order to evaluate this project.

SA2-10 Until such time as this and other issues and outstanding reports are completely and properly addressed, the entire DEIS process should be suspended.

SA2-6 Critical Energy Infrastructure Information (CEII) includes information concerning proposed or existing critical infrastructure (physical or virtual) that: (1) relates to the production, generation, transmission, or distribution of energy; (2) could be useful to a person planning an attack on critical infrastructure; (3) is exempt from mandatory disclosure under the Freedom of Information Act (FOIA); and (4) gives strategic information beyond the location of the critical infrastructure. The FERC has implemented guidelines to applicants to ensure that they are properly designating pertinent information as CEII (<http://www.ferc.gov/help/filing-guide/file-ceii/ceii-guidelines/guidelines.pdf>). The Commission has established procedures for the public to gain access to CEII that would otherwise not be available under the FOIA (<http://www.ferc.gov/legal/maj-ord-reg/land-docs/ceii-rule.asp>).

SA2-7 See the responses to comments FA3-5 and FA4-1. Section 1.2.1 of the EIS describes the purpose and role of the FERC in evaluating applications for authorization to construct and operate interstate natural gas pipeline facilities.

SA2-8 Algonquin must comply with the DOT's regulations regarding pipeline design and operation. The "ultimate capacity" that Mr. Vaughey requested is dependent on several factors, including location and maximum allowable operating pressure (MAOP). The class, as defined by DOT, limits the pressure of pipelines based on population density. A pipeline company is not required to operate up to, and may operate below, the MAOP of the pipeline. The engineering design for the AIM Project is detailed in Algonquin's application. Commission staff reviews and analyzes the engineering data and hydraulic flow models to ensure that the project is properly designed to meet the Project's objectives.

SA2-9 See the response to comment SA2-8.

SA2-10 See the responses to comments FA3-5, FA4-1, FA6-5, and SA1-12. The schedule for this Project has not been accelerated. The Project was in our pre-filing process for 8 months instead of our standard 6 months. The comment period was consistent with other draft EIS comment periods the Commission has issued for natural gas pipeline projects. Further, Commission staff ensured adequate time was allotted to acquire additional information and perform the additional reviews needed to complete the document. This resulted in a revised Notice of Schedule for the Project, with an issuance date of the final EIS 5 weeks later than originally identified.

SA2 – New York Assemblywoman Sandra Galef (cont'd)

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SA2-10
(cont'd) Once all the information has been corrected, updated, barring any other problem issues, such as **segmentation**, then, and **only then**, should the process be restarted, with appropriate republishing of reports, public hearings and comment periods – and on a *regular schedule*, not the accelerated schedule that Spectra requested, and appears to have been granted by FERC.

Thank you for your consideration of these concerns.

Sincerely,



Bernard M. Vaughey

Atts: 14 pages

Cc: Senator Charles Schumer

Senator Kirsten Gillibrand

Peter B. Harckham, Westchester County Board of Legislators

John Testa, Westchester County Board of Legislators

Linda Puglisi, Supervisor, Town of Cortlandt

Theresa Knickerbocker, Mayor, Village of Buchanan


Frank Catalina, Mayor, City of Peekskill

Daniel Riesel, Esq., Sive, Paget & Riesel, P.C.

SA2 – New York Assemblywoman Sandra Galef (cont'd)

The attachments to this letter are too voluminous to include in this EIS. They are available for viewing on the FERC website at <http://www.ferc.gov>. Using the "eLibrary" link, select "General Search" from the eLibrary menu, enter the selected date range and "Docket No." excluding the last three digits (i.e., CP14-96-000), and follow the instructions. For assistance please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, contact 202-502-8659. The Category/Accession number for this submittal is 20140924-5026.

SA3 – New York Assemblyman Steve Otis

20140924-4024 FERC PDF (Unofficial) 09/24/2014	
 <p>STEVEN OTIS Assemblyman 91st District Westchester County</p>	<p>THE ASSEMBLY STATE OF NEW YORK ALBANY</p> <p>COMMITTEES Agriculture Corporations, Authorities and Commissions Environmental Conservation Libraries and Education Technology Local Governments Tourism, Parks, Arts, and Sports Development MEMBER Puerto Rican/Hispanic Task Force</p>
September 15, 2014	
<p>Kimberly D. Bose, Secretary Federal Energy Regulatory Commission 888 First Street NE, Room 1 Washington, DC 20426</p>	
<p>RE: Draft Environmental Impact Statement ("DEIS") for Algonquin Incremental Market ("AIM") Project; FERC Docket No. CP 14-96-00</p>	
Dear Secretary Bose,	
SA3-1	As elected officials representing constituents impacted by the Spectra Algonquin Incremental Market ("AIM") project (the "Project"), we believe that the Draft Environmental Impact Statement ("DEIS") released by the Federal Energy Regulatory Commission (the "Commission") on August 6, 2014 is inadequate as a National Environmental Policy Act document, and we urge the Commission not to further consider the proposed Project for approval until each of the deficiencies and omissions identified in Section 5.5 of the DEIS is completed and made available for review and public comment. Additionally, we request a minimum of a ninety day public comment period upon release of a fully complete Supplemental Draft Environmental Impact Statement.
SA3-2	The Commission's DEIS is supposed to address the numerous environmental impacts that may be caused by the proposed Project. Given the size and scope of the Project and the complex issues addressed in the more than 900 page DEIS, we believe a comment period of just over fifty (50) days is insufficient to permit our constituents and ourselves to review the proposed plan and its impact on our state, counties, local communities, and economy. Public meetings and a detailed review of the DEIS have yielded substantial concerns that have deepened and become more numerous as review of the document has continued.
SA3-3	A review of the DEIS reveals that virtually no aspect of the document is complete. The deficiencies are pervasive and substantial. Taken together they deprive the public of a meaningful opportunity to comment on the proposed plans and fail to impose enforceable mitigation requirements prior to permitting. Significant omissions from the DEIS include, but are not limited to, the following:
SA3-4	<ul style="list-style-type: none"> Final conclusions on safety-related conflicts with the Indian Point nuclear energy facility are not provided (Section 4.12.3);
SA3-5	<ul style="list-style-type: none"> A Field Sampling Plan for potential soil contamination is not provided (Section 4.2.2.6);
SA3-6	<ul style="list-style-type: none"> NYSDOS approval of consistency assessment for Hudson Crossing has not been obtained (Section 4.8.4.1);
SA3-7	<ul style="list-style-type: none"> Design modifications for New York M&R stations are not complete (Section 4.11.1.2);
SA3-8	<ul style="list-style-type: none"> A Site Specific construction plan for St. Patrick Church is not provided (Section 4.8.5.1);
SA3-9	<ul style="list-style-type: none"> A Site Specific construction plan for Buchanan-Verplanck Elementary is not provided (Section 4.8.5.1);
SA3-10	The Supplemental Draft Environmental Impact Statement should also include the risk assessments, environmental baseline testing, and other concerns that are called for in resolutions passed by many government administrations in our area.

SA3-1 See the response to comment FA4-1.

SA3-2 See the response to comment FA6-5.

SA3-3 See the response to comment FA4-1.

SA3-4 See the responses to comments FA4-1 and FA4-25.

SA3-5 See the response to comment SA1-5.

SA3-6 See the response to comment SA1-6.

SA3-7 See the responses to comments FA4-1 and SA1-7.

SA3-8 See the responses to comments FA4-1 and SA1-8.

SA3-9 See the responses to comments FA4-1 and SA1-9.

SA3-10 See the responses to comment letters LA1, LA2, LA4, LA5, LA8, LA9, LA22, LA31, and LA32.

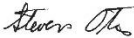
SA3 – New York Assemblyman Steve Otis (cont'd)

20140924-4024 FERC PDF {Unofficial} 09/24/2014

SA3-11 Additionally, residents recently learned of a second pipeline expansion project, the Spectra Atlantic Bridge project, which will impact the same areas and extend the construction periods in the affected regions. The cumulative impacts of the two projects should be considered together not segmented. Our constituents must be allowed to review and comment on the full scope of the planned expansion of this pipeline before any approval is issued.

SA3-12 Therefore, we request that the DEIS be withdrawn until all issues are fully addressed in a Supplemental Draft Environmental Impact Statement and that a new public comment period of no less than ninety days commence upon its release.

Thank you very much for your prompt consideration of this request.

Sincerely,

Steven Otis
State Assemblyman

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DISTRICT OFFICE: 222 Grace Church Street, Suite 305, Port Chester, New York 10573 • 914-938-7026, FAX: 914-938-7167
EMAIL: otisS@assembly.state.ny.us

SA3-11 See the responses to comments FA3-5 and FA6-5.

SA3-12 See the responses to comments FA4-1 and FA6-5. We believe the analysis in the draft EIS and the revised analysis in the final EIS are appropriate and does not warrant the need for a supplemental draft EIS.

SA4 – New York Assemblyman David Buchwald

20140924-4023 FERC PDF (Unofficial) 09/24/2014	
<p align="center">Statement of New York State Assemblyman David Buchwald to the Federal Energy Regulatory Commission September 15, 2014</p>	
<p>As State Assemblyman of New York's 93rd Assembly District, I have an interest in ensuring the health and public safety of the people I represent, as well as those who live and work in the areas affected by Spectra Energy's Algonquin Incremental Market proposed Natural Gas Pipeline, Compressor and Metering Stations Expansion Project.</p>	
SA4-1	First and foremost, I have health concerns for New Yorkers, as the expansion of the Southeast and Stony Point compressor stations will lead to significantly increased emissions. Peer-reviewed scientific studies indicate that emissions from compressor stations and other shale gas infrastructure are associated with negative health impacts. The World Health Organization also links exposure of air pollution with neurological, cardiovascular and respiratory impacts.
SA4-2	Second, I have safety concerns for New Yorkers, as the location of the AIM pipeline is within close proximity to the Indian Point Nuclear Facility, its dry cask spent rod storage facility, the Buchanan power sub-station
SA4-3	providing power to New York City, and a significant seismic zone. There is currently no advanced notification of operations blowdowns, either full or partial, in order for residents and public officials to take prompt
SA4-4	emergency measures. And the gas pipeline currently holds known carcinogens including radium precipitate,
SA4-5	radon and its decay products, lead and polonium. The proposed additional route traverses through residential neighborhoods coming within feet of an elementary school and public parks.

SA4-1 The proposed expansions of the Stony Point and Southeast Compressor Stations would be completed in compliance with state and federal air permitting requirements and emission standards, as summarized in section 4.11.1.2 of the EIS. As presented in tables 4.11.1-7 and 4.11.1-8 of the EIS, the modifications to these two compressor stations would, in some cases, result in lower overall station emissions. Additionally, as presented in air permit application filings for these two stations summarized in table 4.11.1-14 of the EIS, the operating emissions from these two stations would not result in any exceedances of national ambient air quality standards (NAAQS), which are designed to protect public health.

SA4-2 See the response to comment FA4-25. As noted in section 4.1.5.1 of the EIS, specific-site conditions, including earthquakes, are considered in the design of the pipeline. The recorded magnitude of earthquakes in the Project area is relatively low and the ground vibration would not pose a problem for a modern welded-steel pipeline.

SA4-3 Planned venting of gas (blowdowns) are typically done in connection with scheduled maintenance activity at a compressor station. Unplanned blowdowns, which seldom occur, may be automatically triggered by the pipeline system controls when an abnormal event is detected, which is a necessary safety feature of the system. Algonquin does provide advance notifications of planned blowdowns to local police and other emergency responders. The same local entities are notified after the fact of unplanned blowdowns. These notifications enable local authorities to answer any questions they may receive from nearby residents who may hear the blowdowns. This practice is consistent with other pipeline companies operating in residential areas. Operation of the pipeline and compression facilities, including blowdowns, must be performed in accordance with DOT regulations. As identified in section 4.12.1 of the EIS, DOT's regulations require, and Algonquin currently has in place, an Emergency Plan, which includes notification and emergency response procedures.

SA4-4 Radon's properties, potential concentration in natural gas, and health risks are discussed in section 4.11.1.3 of the EIS. The text of this section has been revised to acknowledge the byproducts of radium decay. The half-lives of the radioactive decay products are relatively short and that, over time, these products would decay to non-radioactive lead. As a result, only a limited amount of radioactive decay material would be in the pipeline at any given time because any material that is within the pipeline for a prolonged period would become non-radioactive. In addition, Algonquin would clean the pipeline to be removed prior to its reuse for another other purpose. Algonquin also conducts annual inspections and regular cleaning of its operational pipelines. Any liquids or solids removed during these cleanings would be collected and treated as hazardous material that would be disposed of at a licensed facility in accordance with federal, state, and local regulations. These measures would minimize the risk that any radioactive solids would be released to the environment.

SA4 – New York Assemblyman David Buchwald (cont'd)

SA4-2	Second, I have safety concerns for New Yorkers, as the location of the AIM pipeline is within close proximity to the Indian Point Nuclear Facility, its dry cask spent rod storage facility, the Buchanan power sub-station providing power to New York City, and a significant seismic zone. There is currently no advanced notification of operations blowdowns, either full or partial, in order for residents and public officials to take prompt emergency measures. And the gas pipeline currently holds known carcinogens including radium precipitate, radon and its decay products, lead and polonium. The proposed additional route traverses through residential neighborhoods coming within feet of an elementary school and public parks.
SA4-3	
SA4-4	
SA4-5	
SA4-6	Third, I have environmental concerns for our State, as the construction and operation of the pipeline could impact our wetlands, water quality in the Dickie Brook and the Blue Mountain Reservation. Such environmental harm has the potential to impact the infrastructure of municipalities (roads, bridges, culverts, utilities), as well as emergency services.
SA4-7	
SA4-8	With those concerns relayed, it's important for me to note that Algonquin Gas Transmission, LLC (AGT) has safely operated pipelines in Westchester County for more than 60 years, and that the AIM project would utilize local union labor, providing more than 300 short-term construction jobs in Westchester.
Following resolutions passed by many of the municipalities involved, I suggest the below recommendations to allay my concerns:	
SA4-9	Regarding health, I would like to see the results of an independent air emissions baseline assessment conducted in the areas directly impacted by the proposed compressor. In addition, I believe an independent and comprehensive Health Impact Assessment (HIA), as outlined by the Centers for Disease Control and the National Academy of Sciences, is necessary to be conducted.
SA4-10	

- SA4-5 It is not uncommon for large-diameter, high-pressure pipelines to be located in densely populated urban environments and in proximity to high-rise/high-density buildings, as well as schools and hospitals. Section 4.12.1 of the EIS discusses how DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA) pipeline safety standards apply to specific segments of the AIM Project, including a summary of the higher safety standards applicable to HCAs, such as residential neighborhoods and schools.
- SA4-6 Comment noted. Sections 4.3.2.6 and 4.4.3 of the EIS discuss potential impacts and mitigation measures for surface waters and wetlands.
- SA4-7 The potential effects of the Project on public service infrastructure, public utilities and related infrastructure, and emergency response are discussed in sections 4.9.3, 4.9.4, and 4.12.1 of the EIS, respectively.
- SA4-8 Comment noted.
- SA4-9 Section 4.11.1.1 of the EIS provides the air quality attainment status of all areas in which Project activities would be completed, and section 4.11.1.2 provides ambient air quality concentrations in the vicinity of the proposed compressor station modifications obtained from monitoring stations operated by independent agencies. Algonquin completed air quality modeling using models developed by the EPA to assess potential future air quality impacts that we independently reviewed. The impacts of the emissions from the modified compressor stations, when combined with existing background emission levels, would not result in any exceedances of NAAQS, which are designed to protect public health and welfare.
- SA4-10 We disagree. As indicated in section 4.11.1.3 of the EIS, the Project would result in continued compliance with the NAAQS, which were established by the EPA to be protective of human health, including children, the elderly, and sensitive populations. The NAAQS criteria pollutants are implemented and enforced by the states in which the Project facilities would be constructed and operated. The EPA has also established standards for HAP emissions for specific source categories under the Clean Air Act. The Project's facilities would be designed, constructed, and operated in compliance with these applicable standards and regulations. In addition, per the guidance in NYSDEC's Policy DAR-1, Algonquin conducted a screening analysis and provided the results in its air permit application. This analysis showed that the model-predicted output concentrations from the two compressor stations located in New York are below New York's health effect-based annual and short-term (1 hour) guideline concentrations that were established for the purpose of protecting public health. We have also found that the risk of exposure to radon is not significant and section 4.12 of the EIS provides a full analysis of potential impacts on public safety and the measures to reduce those risks.

SA4 – New York Assemblyman David Buchwald (cont'd)

SA4-11 Regarding safety, I believe Spectra should be required to install the best available mitigation technologies and practices, including electric compressor engines, zero emission dehydrators, blowdown prevention, vapor recovery units, methane capturing equipment and practices outlined by the U.S. Environmental Protection Agency. I would like to see the results of an independent and comprehensive assessment of the potential catastrophic explosion of a 42" diameter high-pressure pipeline in close proximity to Indian Point Nuclear Facility and a significant seismic zone.

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SA4-11 Section 3.4.6 of the EIS evaluates the use of electric-driven compressors and concludes that their use would not be preferable to or provide a significant environmental advantage over Algonquin's proposed gas-fired turbines. Algonquin has not proposed to install any gas dehydrators as part of the Project. Blowdowns of natural gas from the pipeline and compressor or meter stations are infrequent, but are a necessary component in the safe operation and maintenance of any natural gas pipeline system. See also the response to comment SA4-3.

The proposed modifications to the Stony Point Compressor Station would trigger Prevention of Significant Deterioration (PSD) review for GHG emissions only. Algonquin completed a Best Available Control Technology (BACT) analysis, to demonstrate that the GHG emissions associated with the proposed modifications to the Stony Point Compressor Station would comply with BACT standards as defined by the NYSDEC and the EPA. A copy of the BACT analysis is included in the Air Permit Application prepared for the Stony Point Compressor Station modifications dated June 2014. For further details regarding Algonquin's current practices related to minimizing methane emissions, see the response to comment FA4-23.

SA4-12 See the response to comment FA4-25.

SA4 – New York Assemblyman David Buchwald (cont'd)

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- SA4-13 I oppose any construction of maintenance facilities located near schools, parks, business or residential districts. I am also disturbed at the somewhat cavalier attitude the DEIS takes with respect to the alienation of parkland. I would urge FERC to recognize that the disruption of public parks is in fact a serious issue that should not be dismissed with words like "de minimis" or "minor."
- SA4-14 And regarding the environment, I would like to see the results of an Environmental Impact Statement (EIS) as put forth under the New York State Environmental Quality Review (SEQR) Act. I would also like to see continuous monitoring of air, water, land and all other environmental impacts be reported daily to the New York State Department of Environmental Conservation, the United States Department of Environmental Protection Agency and made available to the public in a transparent manner.
- SA4-17 I thank you kindly for the opportunity to express my concerns and suggestions for moving forward in regards to this project. It is my hope that Spectra Energy will work cooperatively with the Federal Energy Regulatory Commission, the New York State DEC and all involved agencies to address these health, safety and environmental concerns before taking further action.

SA4-13 Comment noted.

SA4-14 We note that the Commission has jurisdiction for federal projects regarding the authorization of siting interstate natural gas facilities under the federal Natural Gas Act (NGA). As stated in section 4.8.5.1, the decision whether to seek legislative parkland alienation would be made by the relevant local park management agencies. However, if the Project is approved by the Commission, the alienation process could not prohibit or unreasonably delay its construction.

SA4-15 The Project is not subject to New York's State Environmental Quality Review Act (SEQRA) because it is subject to the NGA and, therefore, is reviewed under the National Environmental Policy Act (NEPA). Federal and state courts have held that the NGA preempts the environmental review under SEQRA. However, the Project would be subject to all permit conditions and mitigation measures that would be required by NYSDEC for wetlands, stream crossings, and stormwater runoff, by the USACE for wetlands and the crossing of the Hudson River, and by the New York City Department of Environmental Protection (NYCDEP) for erosion control and stormwater runoff within the New York City watershed.

SA4-16 Section 2.5 of the EIS describes the environmental inspection that would be conducted during construction of the Project, including a Third-party Environmental Compliance Monitoring Program managed by the FERC staff.

SA4-17 Comment noted.

SA5 – New York Assemblywoman Sandra Galef

20140924-4025 FERC PDF (Unofficial) 09/24/2014	
September 15, 2014	
Kimberly D. Bose, Secretary Federal Energy Regulatory Commission 888 First Street NE, Room 1 Washington, DC 20426	
RE: Draft Environmental Impact Statement ("DEIS") for Algonquin Incremental Market ("AIM") Project: FERC Docket No. CP 14-96-00	
Dear Secretary Bose,	
SA5-1	As elected officials representing constituents impacted by the Spectra Algonquin Incremental Market ("AIM") project (the "Project"), we believe that the Draft Environmental Impact Statement ("DEIS") released by the Federal Energy Regulatory Commission (the "Commission") on August 6, 2014 is inadequate as a National Environmental Policy Act document, and we urge the Commission not to further consider the proposed Project for approval until each of the deficiencies and omissions identified in Section 5.5 of the DEIS is completed and made available for review and public comment. Additionally, we request a minimum of a ninety day public comment period upon release of a fully complete Supplemental Draft Environmental Impact Statement.
SA5-2	The Commission's DEIS is supposed to address the numerous environmental impacts that may be caused by the proposed Project. Given the size and scope of the Project and the complex issues addressed in the more than 900 page DEIS, we believe a comment period of just over fifty (50) days is insufficient to permit our constituents and ourselves to review the proposed plan and its impact on our state, counties, local communities, and economy. Public meetings and a detailed review of the DEIS have yielded substantial concerns that have deepened and become more numerous as review of the document has continued.
SA5-3	A review of the DEIS reveals that virtually no aspect of the document is complete. The deficiencies are pervasive and substantial. Taken together they deprive the public of a meaningful opportunity to comment on the proposed plans and fail to impose enforceable mitigation requirements prior to permitting. Significant omissions from the DEIS include, but are not limited to, the following:
SA5-4	<ul style="list-style-type: none"> Final conclusions on safety-related conflicts with the Indian Point nuclear energy facility are not provided (Section 4.12.3);
SA5-5	<ul style="list-style-type: none"> A Field Sampling Plan for potential soil contamination is not provided (Section 4.2.2.6);
SA5-6	<ul style="list-style-type: none"> NYSDOS approval of consistency assessment for Hudson Crossing has not been obtained (Section 4.8.4.1);

SA5-1 See the response to comment FA4-1.

SA5-2 See the response to comment FA6-5.

SA5-3 See the response to comment FA4-1.

SA5-4 See the responses to comments FA4-1 and FA4-25.

SA5-5 See the response to comment SA1-5.

SA5-6 See the response to comment SA1-6.

SA5 – New York Assemblywoman Sandra Galef (cont'd)

20140924-4025 FERC PDF {Unofficial} 09/24/2014

- SA5-7
- Design modifications for New York M&R stations are not complete (Section 4.11.1.2);
- SA5-8
- A Site Specific construction plan for St. Patrick Church is not provided (Section 4.8.5.1);
- SA5-9
- A Site Specific construction plan for Buchanan-Verplanck Elementary is not provided (Section 4.8.5.1);
- SA5-10
- The Supplemental Draft Environmental Impact Statement should also include the risk assessments, environmental baseline testing, and other concerns that are called for in resolutions passed by many government administrations in our area.
- SA5-11
- Additionally, residents recently learned of a second pipeline expansion project, the Spectra Atlantic Bridge project, which will impact the same areas and extend the construction periods in the affected regions. The cumulative impacts of the two projects should be considered together not segmented. Our constituents must be allowed to review and comment on the full scope of the planned expansion of this pipeline before any approval is issued.
- SA5-12
- Therefore, we request that the DEIS be withdrawn until all issues are fully addressed in a Supplemental Draft Environmental Impact Statement and that a new public comment period of no less than ninety days commence upon its release.

Thank you very much for your prompt consideration of this request.

Sincerely,



Sandy Galef, Assemblywoman, 95th A.D.

SA5-7 See the responses to comments FA4-1 and SA1-7.

SA5-8 See the responses to comments FA4-1 and SA1-8.


SA5-9 See the responses to comments FA4-1 and SA1-9.

SA5-10 See the responses to comment letters LA1, LA2, LA4, LA5, LA8, LA9, LA22, LA31, and LA32.

SA5-11 See the responses to comments FA3-5 and FA6-5.

SA5-12 See the responses to comments FA4-1 and FA6-5. We believe the analysis in the draft EIS and the revised analysis in the final EIS are appropriate and does not warrant the need for a supplemental draft EIS.

SA6 – New York Assemblywoman Shelley B. Mayer

20140924-4026 FERC PDF (Unofficial) 09/24/2014	
 <p>SHELLEY MAYER Assemblymember 90th District</p>	<p>THE ASSEMBLY STATE OF NEW YORK ALBANY</p> <p>CHAIR Subcommittee on Students with Special Needs</p> <p>COMMITTEES Children & Families Cities Education Health Labor Social Services</p> <p>MEMBER Task Force on Legislative Women's Caucus Puerto Rican/Hispanic Task Force</p>
September 15, 2014	
Kimberly D. Bose, Secretary Federal Energy Regulatory Commission 888 First Street NE, Room 1 Washington, DC 20426	
RE: Draft Environmental Impact Statement ("DEIS") for Algonquin Incremental Market ("AIM") Project: FERC Docket No. CP 14-96-00	
Dear Secretary Bose:	
SA6-1	As elected officials representing constituents impacted by the Spectra Algonquin Incremental Market ("AIM") project (the "Project"), we believe that the Draft Environmental Impact Statement ("DEIS") released by the Federal Energy Regulatory Commission (the "Commission") on August 6, 2014 is inadequate as a National Environmental Policy Act document, and we urge the Commission not to further consider the proposed Project for approval until each of the deficiencies and omissions identified in Section 5.5 of the DEIS is completed and made available for review and public comment. Additionally, we request a minimum of a ninety day public comment period upon release of a fully complete Supplemental Draft Environmental Impact Statement.
SA6-2	
SA6-3	The Commission's DEIS is supposed to address the numerous environmental impacts that may be caused by the proposed Project. Given the size and scope of the Project and the complex issues addressed in the more than 900 page DEIS, we believe a comment period of just over fifty (50) days is insufficient to permit our constituents and ourselves to review the proposed plan and its impact on our state, counties, local communities, and economy. Public meetings and a detailed review of the DEIS have yielded substantial concerns that have deepened and become more numerous as review of the document has continued.
	A review of the DEIS reveals that virtually no aspect of the document is complete. The deficiencies are pervasive and substantial. Taken together they deprive the public of a meaningful opportunity to comment on the proposed plans and fail to impose enforceable mitigation requirements prior to permitting. Significant omissions from the DEIS include, but are not limited to, the following:
SA6-4	<ul style="list-style-type: none"> Final conclusions on safety-related conflicts with the Indian Point nuclear energy facility are not provided (Section 4.12.3);
SA6-5	<ul style="list-style-type: none"> A Field Sampling Plan for potential soil contamination is not provided (Section 4.2.2.6);
ALBANY OFFICE: Room 323, Legislative Office Building, Albany, New York 12248 • 518-455-3662, FAX: 518-455-5499 DISTRICT OFFICE: 35 East Grassy Sprain Road, Room 406B, Yorktown, New York 10710 • 914-779-8805, FAX: 914-779-8859 EMAIL: mayers@assembly.state.ny.us	

SA6-1 See the response to comment FA4-1.

SA6-2 See the response to comment FA6-5.

SA6-3 See the response to comment FA4-1.

SA6-4 See the responses to comments FA4-1 and FA4-25.

SA6-5 See the response to comment SA1-5.

SA6 – New York Assemblywoman Shelley B. Mayer (cont'd)

20140924-4026 FERC PDF {Unofficial} 09/24/2014

SA6-5 (cont'd) • A Field Sampling Plan for potential soil contamination is not provided (Section 4.2.2.6);

SA6-6 • NYSDOS approval of consistency assessment for Hudson Crossing has not been obtained (Section 4.8.4.1);

SA6-7 • Design modifications for New York M&R stations are not complete (Section 4.11.1.2);

SA6-8 • A Site Specific construction plan for St. Patrick Church is not provided (Section 4.8.5.1);

SA6-9 • A Site Specific construction plan for Buchanan-Verplanck Elementary is not provided (Section 4.8.5.1);

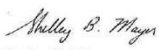
SA6-10 The Supplemental Draft Environmental Impact Statement should also include the risk assessments, environmental baseline testing, and other concerns that are called for in resolutions passed by many government administrations in our area.

SA6-11 Additionally, residents recently learned of a second pipeline expansion project, the Spectra Atlantic Bridge project, which will impact the same areas and extend the construction periods in the affected regions. The cumulative impacts of the two projects should be considered together not segmented. Our constituents must be allowed to review and comment on the full scope of the planned expansion of this pipeline before any approval is issued.

SA6-12 Therefore, we request that the DEIS be withdrawn until all issues are fully addressed in a Supplemental Draft Environmental Impact Statement and that a new public comment period of no less than ninety days commence upon its release.

Thank you very much for your prompt consideration of this request.

Sincerely,


Shelley B. Mayer

ALBANY OFFICE: Room 323, Legislative Office Building, Albany, New York 12248 • 516-455-3862, FAX: 516-455-5489
DISTRICT OFFICE: 36 East Grassy Sprain Road, Room 405B, Yonkers, New York 10710 • 914-779-8805, FAX: 914-779-8859
EMAIL: mayers@assembly.state.ny.us

SA6-6 See the response to comment SA1-6.

SA6-7 See the responses to comments FA4-1 and SA1-7.

SA6-8 See the responses to comments FA4-1 and SA1-8.

SA6-9 See the responses to comments FA4-1 and SA1-9.


SA6-10 See the responses to comment letters LA1, LA2, LA4, LA5, LA8, LA9, LA22, LA31, and LA32.

SA6-11 See the responses to comments FA3-5 and FA6-5.

SA6-12 See the responses to comments FA4-1 and FA6-5. We believe the analysis in the draft EIS and the revised analysis in the final EIS are appropriate and does not warrant the need for a supplemental draft EIS.

SA7 – New York Assemblywoman Amy Paulin

20140924-4027 FERC PDF (Unofficial) 09/24/2014



AMY R. PAULIN
Assemblywoman 68th District
Westchester County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Energy
COMMITTEES
Education
Health
Higher Education

**FEDERAL ENERGY REGULATORY COMMISSION
ALGONQUIN INCREMENTAL MARKET PROJECT
DOCKET NO. CP14-96-000
FERC/EIS-0254D**

STATEMENT OF ASSEMBLYWOMAN AMY PAULIN

I appreciate the opportunity to comment on the draft Environmental Impact Statement for this project and thank the staff of FERC, as lead agency, for its lengthy analysis of the potential effects of the project.

SA7-1 I urge FERC to continue to examine closely the impacts of the proposed project, and am particularly concerned about the potential negative health and safety impacts on the residents of the area near the Indian Point Energy Center.

SA7-2 It is imperative that the Commission enforce all of the recommendations of staff contained in Section 5 of the EIS, many of which are required to be completed prior to the end of the draft EIS comment period. If the project is approved, Spectra Energy must also be required to comply in all respects with the requirements of New York State law regarding environmental protection both during the construction period and during the operation of the project.

SA7-3

SA7-4 Given the proximity of this proposed project to both Indian Point and the proposed West Point Partners transmission project, and the devastating nature of a potential accident affecting Indian Point, FERC must do an independent and rigorous analysis of the possible hazards of locating these projects so close to each other. Requiring Entergy to perform a Hazards Analysis and Algonquin to perform an AC/DC interference study is an appropriate first step, but FERC staff must not simply accept those studies at face value; I expect that they will be evaluated by an independent expert or experts acceptable to FERC staff and that Spectra Energy will bear the costs of that evaluation.

SA7-5 Currently proposed plans for construction near St. Patrick's Church, the Buchanan-Verplanck Elementary School and other local community resources do not adequately protect local residents from noise, dust, traffic disruption and other negative impacts during the proposed construction period; Spectra Energy must agree to more extensive and appropriate mitigations as required in the DEIS.

SA7-6 Families living near compressor stations or metering and regulating stations must not be subjected to health risks from emissions into the air or water. Therefore I agree with the many citizens and public bodies who insist that FERC should require an independent, comprehensive and transparent health impact assessment prior to any approval of the project. In addition, approval of the project must be conditioned upon continued monitoring and, if necessary, mitigation of adverse environmental effects during the construction and operation of the project.

SA7-7 The comprehensive nature of the DEIS is evidence of the number and complexity of important issues that need to be addressed in order for the proposed project to be built and run in a manner that does not have significant negative effects on the natural environment and the residents of areas near the proposed pipeline. I urge FERC to take the time necessary to ensure not only that all relevant issues are considered, but also that Spectra Energy will follow through on all of the recommended mitigation measures. Thank you.

ALBANY OFFICE: Room 713, Legislative Office Building, Albany, New York 12248 • 518-455-5585, FAX 518-455-5409
DISTRICT OFFICE: 700 White Plains Road, Suite 252, Scarsdale, New York 10583 • 914-723-1115, FAX 914-723-2885
Email: paulina@assembly.state.ny.us


- SA7-1 See the responses to comments FA4-25 and SA4-10.
- SA7-2 Comment noted. Section 5.2 of the EIS has been revised to reflect the fact that the information requested prior to the end of draft EIS comment period has now been provided by Algonquin and incorporated into the analysis within the final EIS. We are recommending that the remaining mitigation measures of the final EIS be attached as conditions to any authorization issued by the Commission.
- SA7-3 See the response to comment SA4-15.
- SA7-4 See the response to comment FA4-25. With respect to the high voltage power lines mentioned, section 4.12.3 of the EIS discusses safety concerns associated with placement of natural gas pipelines next to transmission lines. In addition, sections 4.8.3.2 and 4.12.3 of the EIS have been revised to reflect the current status of West Point Partners (WPP) West Point Energy Transmission Project as it relates to the proposed AIM Project. A properly designed natural gas pipeline and electric transmission line running parallel to each other, even at close distances, would not result in any cumulative operational or public safety hazards. WPP's transmission line, which is a self-contained, buried cable system with associated automatic monitoring and near-instantaneous protection systems, would avoid any operational impacts with the proposed pipeline. The WPP line would also employ a metallic ground sheath so that possible electrical arcing or faults would be self-contained. Algonquin would also construct the pipeline to avoid interference based on the results of its alternating current/direct current (AC/DC) interference study, as discussed in section 4.12.3 of the EIS.
- SA7-5 Section 4.9.5 of the EIS includes a discussion of measures proposed to minimize traffic impacts on communities potentially affected by the Project. In response to the FERC staff's recommendation in the EIS, Algonquin provided a Fugitive Dust Control Plan that identifies measures that would be implemented to minimize fugitive dust emissions from construction activities. Section 4.11.1.3 of the EIS has been updated to describe the dust control measures proposed by Algonquin. Additionally, Algonquin developed site-specific mitigation measures for construction activities that would occur in proximity to St. Patrick's Church and the Buchanan-Verplanck Elementary School. Section 4.8.5.1 of the EIS has been updated to further describe the mitigation measures that would be implemented to minimize impacts on these two gathering places. See also the responses to comments SA1-8 and SA1-9.
- SA7-6 See the responses to comments SA4-10 and SA4-16.
- SA7-7 Section 5.2 of the EIS includes several recommendations that enable FERC staff to ensure compliance with all of its mitigation measures. This includes the recommendations for an implementation plan prior to construction that identifies how Algonquin would implement the construction procedures and mitigation measures (recommendation number 6), for Algonquin to follow its construction procedures and mitigation measures as authorized (recommendation number 1), and for the Director of Office of Energy Projects to have delegated authority to take whatever steps are necessary to ensure the protection of the environment during construction and operation, including stop-work authority (recommendation number 2). See also the response to comment SA4-16.

SA8 – New York Senator George Latimer

20140924-4028 FERC PDF (Unofficial) 09/24/2014

GEORGE LATIMER
9TH SENATE DISTRICT

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THE SENATE
STATE OF NEW YORK
ALBANY

COMMITTEES:
EDUCATION, RANKING MINORITY MEMBER
CONSUMER PROTECTION
ENVIRONMENTAL CONSERVATION
INFRASTRUCTURE AND CAPITAL INVESTMENT
LOCAL GOVERNMENT
MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES
RACING, GAMING AND WAGERING

September 15, 2014

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1
Washington, DC 20426

**RE: Draft Environmental Impact Statement ("DEIS") for
Algonquin Incremental Market ("AIM") Project;
FERC Docket No. CP 14-96-00**

Dear Secretary Bose,

SA8-1 As elected officials representing constituents impacted by the Spectra Algonquin Incremental Market ("AIM") project (the "Project"), we believe that the Draft Environmental Impact Statement ("DEIS") released by the Federal Energy Regulatory Commission (the "Commission") on August 6, 2014 is inadequate as a National Environmental Policy Act document, and we urge the Commission not to further consider the proposed Project for approval until each of the deficiencies and omissions identified in Section 5.5 of the DEIS is completed and made available for review and public comment. Additionally, we request a minimum of a ninety day public comment period upon release of a fully complete Supplemental Draft Environmental Impact Statement.

SA8-2 The Commission's DEIS is supposed to address the numerous environmental impacts that may be caused by the proposed Project. Given the size and scope of the Project and the complex issues addressed in the more than 900 page DEIS, we believe a comment period of just over fifty (50) days is insufficient to permit our constituents and ourselves to review the proposed plan and its impact on our state, counties, local communities, and economy. Public meetings and a detailed review of the DEIS have yielded substantial concerns that have deepened and become more numerous as review of the document has continued.

SA8-3 A review of the DEIS reveals that virtually no aspect of the document is complete. The deficiencies are pervasive and substantial. Taken together they deprive the public of a meaningful opportunity to comment on the proposed plans and fail to impose enforceable

SA8-1 See the response to comment FA4-1.

SA8-2 See the response to comment FA6-5.

SA8-3 See the response to comment FA4-1.

SA8 – New York Senator George Latimer (cont'd)

20140924-4028 FERC PDF {Unofficial} 09/24/2014

SA8-3 (cont'd) mitigation requirements prior to permitting. Significant omissions from the DEIS include, but are not limited to, the following:

- SA8-4 • Final conclusions on safety-related conflicts with the Indian Point nuclear energy facility are not provided (Section 4.12.3);
- SA8-5 • A Field Sampling Plan for potential soil contamination is not provided (Section 4.2.2.6);
- SA8-6 • NYSDOS approval of consistency assessment for Hudson Crossing has not been obtained (Section 4.8.4.1);
- SA8-7 • Design modifications for New York M&R stations are not complete (Section 4.11.1.2);
- SA8-8 • A Site Specific construction plan for St. Patrick Church is not provided (Section 4.8.5.1);
- SA8-9 • A Site Specific construction plan for Buchanan-Verplanck Elementary is not provided (Section 4.8.5.1);

SA8-10 The Supplemental Draft Environmental Impact Statement should also include the risk assessments, environmental baseline testing, and other concerns that are called for in resolutions passed by many government administrations in our area.

SA8-11 Additionally, residents recently learned of a second pipeline expansion project, the Spectra Atlantic Bridge project, which will impact the same areas and extend the construction periods in the affected regions. The cumulative impacts of the two projects should be considered together not segmented. Our constituents must be allowed to review and comment on the full scope of the planned expansion of this pipeline before any approval is issued.

SA8-12 Therefore, we request that the DEIS be withdrawn until all issues are fully addressed in a Supplemental Draft Environmental Impact Statement and that a new public comment period of no less than ~~90~~ 90 days commence upon its release.

Thank you very much for your prompt consideration of this request.

Sincerely,



George Latimer
State Senator, 37th S.D.

SA8-4 See the responses to comments FA4-1 and FA4-25.

SA8-5 See the response to comment SA1-5.

SA8-6 See the response to comment SA1-6.

SA8-7 See the responses to comments FA4-1 and SA1-7.

SA8-8 See the responses to comments FA4-1 and SA1-8.

SA8-9 See the responses to comments FA4-1 and SA1-9.

SA8-10 See the responses to comment letters LA1, LA2, LA4, LA5, LA8, LA9, LA22, LA31, and LA32.

SA8-11 See the responses to comments FA3-5 and FA6-5.

SA8-12 See the responses to comments FA4-1 and FA6-5. We believe the analysis in the draft EIS and the revised analysis in the final EIS are appropriate and does not warrant the need for a supplemental draft EIS.

SA9 – New York Senator Andrea Stewart-Cousins

20140924-4029 FERC PDF (Unofficial) 09/24/2014

September 15, 2014

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1
Washington, DC 20426

**RE: Draft Environmental Impact Statement ("DEIS") for
Algonquin Incremental Market ("AIM") Project:
FERC Docket No. CP 14-96-00**

Dear Secretary Bose,

SA9-1 As elected officials representing constituents impacted by the Spectra Algonquin Incremental Market ("AIM") project (the "Project"), we believe that the Draft Environmental Impact Statement ("DEIS") released by the Federal Energy Regulatory Commission (the "Commission") on August 6, 2014 is inadequate as a National Environmental Policy Act document, and we urge the Commission not to further consider the proposed Project for approval **until each of the deficiencies and omissions identified in Section 5.5 of the DEIS is completed and made available for review and public comment. Additionally, we request a minimum of a ninety day public comment period upon release of a fully complete Supplemental Draft Environmental Impact Statement.**

SA9-2 The Commission's DEIS is supposed to address the numerous environmental impacts that may be caused by the proposed Project. Given the size and scope of the Project and the complex issues addressed in the more than 900 page DEIS, we believe a comment period of just over fifty (50) days is insufficient to permit our constituents and ourselves to review the proposed plan and its impact on our state, counties, local communities, and economy. Public meetings and a detailed review of the DEIS have yielded substantial concerns that have deepened and become more numerous as review of the document has continued.

SA9-3 A review of the DEIS reveals that virtually no aspect of the document is complete. The deficiencies are pervasive and substantial. Taken together they deprive the public of a meaningful opportunity to comment on the proposed plans and fail to impose enforceable mitigation requirements prior to permitting. Significant omissions from the DEIS include, but are not limited to, the following:

SA9-4

- Final conclusions on safety-related conflicts with the Indian Point nuclear energy facility are not provided (Section 4.12.3);

SA9-5

- A Field Sampling Plan for potential soil contamination is not provided (Section 4.2.2.6);

SA9-6

- NYSDOS approval of consistency assessment for Hudson Crossing has not been obtained (Section 4.8.4.1);

SA9-1 See the response to comment FA4-1.

SA9-2 See the response to comment FA6-5.

SA9-3 See the response to comment FA4-1.

SA9-4 See the responses to comments FA4-1 and FA4-25.

SA9-5 See the response to comment SA1-5.

SA9-6 See the response to comment SA1-6.

SA9 – New York Senator Andrea Stewart-Cousins (cont'd)

20140924-4029 FERC PDF {Unofficial} 09/24/2014

- SA9-7
- Design modifications for New York M&R stations are not complete (Section 4.11.1.2);
- SA9-8
- A Site Specific construction plan for St. Patrick Church is not provided (Section 4.8.5.1);
- SA9-9
- A Site Specific construction plan for Buchanan-Verplanck Elementary is not provided (Section 4.8.5.1);
- SA9-10
- The Supplemental Draft Environmental Impact Statement should also include the risk assessments, environmental baseline testing, and other concerns that are called for in resolutions passed by many government administrations in our area.
- SA9-11
- Additionally, residents recently learned of a second pipeline expansion project, the Spectra Atlantic Bridge project, which will impact the same areas and extend the construction periods in the affected regions. The cumulative impacts of the two projects should be considered together not segmented. Our constituents must be allowed to review and comment on the full scope of the planned expansion of this pipeline before any approval is issued.
- SA9-12
- Therefore, we request that the DEIS be withdrawn until all issues are fully addressed in a Supplemental Draft Environmental Impact Statement and that a new public comment period of no less than ninety days commence upon its release.

Thank you very much for your prompt consideration of this request.

Sincerely,



Andrea Stewart-Cousins
State Senator, 35th District

SA9-7 See the responses to comments FA4-1 and SA1-7.

SA9-8 See the responses to comments FA4-1 and SA1-8.

SA9-9 See the responses to comments FA4-1 and SA1-9.

SA9-10 See the responses to comment letters LA1, LA2, LA4, LA5, LA8, LA9, LA22, LA31, and LA32.

SA9-11 See the responses to comments FA3-5 and FA6-5.

SA9-12 See the responses to comments FA4-1 and FA6-5. We believe the analysis in the draft EIS and the revised analysis in the final EIS are appropriate and does not warrant the need for a supplemental draft EIS.

SA10 – Connecticut Department of Energy and Environmental Protection

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Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

79 Elm Street • Hartford, CT 06106-5127 www.ct.gov/deep Affirmative Action/Equal Opportunity Employer

September 29, 2014

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

RE: Algonquin Incremental Market Project (AIM)
Algonquin Gas Transmission LLC
Draft Environmental Impact Statement Comments
Docket No. CP14-96-000

Dear Secretary Bose:

The Connecticut Department of Energy and Environmental Protection (DEEP) thanks you for the opportunity to review this Draft Environmental Impact Statement for the Algonquin AIM Project and to submit these comments. As stated in our scoping comments of October 11, 2013, the *Connecticut Comprehensive Energy Strategy* calls for the expanded use of natural gas to heat Connecticut homes, and seeks to provide this fuel choice for up to an additional 300,000 homes, businesses and facilities in Connecticut. Toward that end, the 342,000 dekatherms of natural gas capacity that the Algonquin Incremental Market Project will provide into Connecticut and Southern New England is a very welcome addition to our energy portfolio.

Key components of this four-state project within Connecticut include the replacement of 4.4 miles of 26" pipeline in Danbury with 42" pipeline, the addition of 2.0 miles of 36" looping pipeline in Cromwell and Rocky Hill, the replacement of 9.1 miles of 6" pipeline with 16" pipeline in Lebanon, Franklin, and Norwich, and the addition of 1.3 miles of 12" looping pipeline in Montville. In addition, new compressor units are proposed for installation at the Cromwell and Chapin compressor stations, a new metering station is proposed in Norwich, and modifications to 13 other metering stations in Connecticut are proposed.

DEEP Permits

DEEP has enjoyed extensive communication and coordination with Spectra and its consultants throughout the development of the AIM Project. This has enabled the regulatory process for this project to move along relatively smoothly. The following comments will detail the status of the necessary permits and approvals for this project required from DEEP.

Section 401 Water Quality Certification

All materials submitted to date for the Section 401 Water Quality Certification have been reviewed.

SA10-1 The lone significant outstanding issue is that of invasive species control along the Algonquin right-of-way. DEEP, along with the Army Corps of Engineers, has met with the applicant's consultants on this issue and we are currently awaiting submission of the proposed invasive species control plan which we anticipate

SA10-2

SA10-1 Comment noted.

SA10-2 Comment noted.

SA10 – Connecticut Department of Energy and Environmental Protection (cont'd)

<p>20140929-0614 PM: PUF (UNCLASSIFIED) 3/23/2014 4:10:33 PM</p> <p>Algonquin Incremental Market DEIS 2 September 29, 2014</p> <p>Docket No. CP14-96-000</p>	
SA10-2 (cont'd)	<p>receiving shortly. Based on the scope of the invasive species control plan, it is currently contemplated that the control and removal of invasive species at feasible locations along the right-of-way will constitute the compensatory mitigation plan for wetland and watercourse impacts in the corridor.</p> <p>Since the time the DEIS went to press, Algonquin has proposed to make an additional watercourse crossing in Connecticut using the horizontal directional drilling (HDD) technique. The additional HDD crossing will be of the Susquehanna Brook in Franklin. The Susquehanna is a stream with significant habitat value, and the use of HDD at this crossing will avoid impacts to fisheries and other resources at this location.</p> <p>Assuming timely submission of the invasive species control plan and no unforeseen issues arising, issuance of the Section 401 Water Quality Certificate is anticipated in late 2014 or January 2015.</p> <p><i>Compressor Station Air Permits</i></p> <p>The Chaplin Compressor Station draft New Source Review (NSR) permit evaluation is at the stage of final review. The Notice of Tentative Determination is the next step in the process. This includes a 30-day public comment period and the opportunity to request a public hearing. If no public hearing is requested, the permit could be issued in late December or early January. A note of correction: contrary to the information in Table 2.1.2-1 on page 2-6 of the DEIS, there will be no restaging performed at the Chaplin Compressor Station. This was confirmed by Spectra via e-mail on 7/16/14.</p> <p>The Cromwell Compressor Station permit application is currently being evaluated by our modeling group. Once that process is completed, the draft permit will sequentially follow the Chaplin Compressor Station permit. If no hearing is requested, the permit could be issued by late January or early February. Spectra had submitted an amendment to the original permit application requesting an increased fuel cap on the Mars 100 turbine.</p> <p>A correction is noted concerning air permit modifications discussed on page 4-222 of the DEIS. The next-to-last paragraph on that page states that "Air permit modifications for the Cromwell and Chaplin compressor stations were submitted to DEEP in February and January 2014, respectively." The January and February applications were for NSR permits for those two compressor stations. Spectra will be required to submit applications for modifications to the existing Title V permits upon the issuance of the NSR permits.</p> <p><i>National Diversity Data Base Species</i></p> <p>DEEP is in receipt of the survey reports for the State-listed plant species identified as potentially occurring along the Algonquin right-of-way. These surveys were performed in early August and the reports forwarded to DEEP on August 29. The only State-listed plant species which was field-identified in the corridor was climbing fern (<i>Lygodium palmatum</i>), a State Species of Special Concern, which was found in a site immediately east of the Cromwell Compressor Station and just outside of the construction area of the AIM project. Algonquin proposes protective fencing and signage of the climbing fern location, and diligence by the environmental inspector to repair or place the fence and signage should they be damaged. We find these measures to be acceptable. As an aside, for the Botanical Survey Report submitted by TRC for Algonquin, the Rare Plant Survey map on the last page of the August 2014 report refers to <i>Lygodium</i> as <i>Lygopodium</i> on both the map and in the title block.</p> <p>In addition to the climbing fern, there is one other species located in the same area, just east of the Cromwell Compressor Station, which is of potential concern to DEEP. Though it was not field-identified by TRC in its August 5 survey of the area, the field paspalum (<i>Paspalum laeve</i>) has been identified in the immediate area of the climbing fern, with reports as recent as 2001. Field paspalum is a State Endangered species that is found coincident with or immediately east of the climbing fern population identified by TRC, south of the pipeline right-of-way. We are requesting, therefore, that the protective fencing and signage</p>

- SA10-3 Table 2.1.2-1 of the EIS has been updated to reflect that no restaging would be performed at the Chaplin Compressor Station.
- SA10-4 Comment noted.
- SA10-5 Section 4.11.1.2 of the EIS has been updated to discuss Algonquin's need to submit an additional application to modify the Title V permits for the Cromwell and Chaplin Compressor Stations once state permits have been issued.
- SA10-6 Section 4.7.5.2 of the EIS has been revised to include reference of CTDEEP concurrence that Algonquin's proposed measures for avoiding impacts on the climbing fern are acceptable.
- SA10-7 Comment noted.
- SA10-8 Section 4.7.5.2 of the EIS has been revised to include CTDEEP's identification of the occurrence of the field paspalum, CTDEEP's recommendation for protective fencing and signage to avoid impacts on this species, and Algonquin's agreement to implement CTDEEP recommendations.

SA10 – Connecticut Department of Energy and Environmental Protection (cont'd)

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Algonquin Incremental Market DEIS
Docket No. CP14-96-000

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September 29, 2014

SA10-8 along the south side of the right-of-way be extended 200' further east from the climbing fern occurrence to prevent any possible incursion into the field paspalum area.
(cont'd)

SA10-9 Concerning the State-listed animal species, five species along the right-of-way merit mention here. The ground beetle (*Scaphinotus viduus*), a State Species of Special Concern, was identified in our NDDB records as potentially occurring in the area of the Cromwell Compressor Station and the Line 36-A loop. Algonquin reported in Resource Report #3 (p. 3-51) that it did not find any suitable old growth floodplain forest habitat for this species within the construction area.

Another State Species of Special Concern, the pine barrens tiger beetle (*Cicindela formosa generosa*), would find suitable habitat in the sand quarry at the western end of the Line 36-A loop. Sightings of the pine barren tiger beetle have occurred as recently as 2013. For much of the segment near the sand quarry, there is a wooded buffer between the pipeline right-of-way and the sand quarry to the north. But this is not the case across the entire segment. The protective strategy for the pine barrens tiger beetle in this area is simply to avoid staging any equipment or materials in the sand quarry.

The Jefferson salamander (*Ambystoma jeffersonianum*) is also a State Species of Special Concern found in the area of the Danbury portion of the pipeline. This species would primarily be associated with vernal pools and their adjacent uplands. Table 4.4.3-2 on page 4-63 of the DEIS identifies a vernal pool at milepost 2.7 of the Southeast to Mainline Valve 19 segment of the right-of-way and notes that the "vernal pool [is] located along the edge of the temporary workspace, not directly affected by construction or operation." We request that silt fencing and signage be installed along the edge of the temporary work space in the area adjacent to the vernal pool to prevent incursion or impacts to it and that this area be monitored by the on-site environmental inspector.

The eastern box turtle (*Terrapene carolina carolina*) is found along the right-of-way of the Line 36-A loop and at the Cromwell Compressor Station. Best management practices to protect eastern box turtles have been provided to Algonquin and include education of work crews as to the potential presence of the turtles on the work site and daily sweeps to remove any turtles present and relocate them outside the area of construction disturbance. No vehicles should be parked or equipment housed within the area of potential eastern box turtle presence. Page 3-49 of Resource Report #3 details the remainder of the eastern box turtle protection measures. Previous comments from DEEP to Algonquin had also identified eastern box turtles as being potentially present in the vicinities of the metering and regulating stations at Middletown, North Haven and Vernon. Though we understand that all work on the M&R stations will occur internal to the fencelines of the stations, the eastern box turtle protection strategies still apply to these three locations to the extent that vehicles will be parked around the stations outside of the fencelines or that materials may be stored in these areas.

Lastly, the eastern hognose snake (*Heterodon platirhinos*), a State Species of Special Concern, is located in the area of the E-1 System Lateral Take-up and Relay segment of the pipeline. Though the eastern hognose snake is fairly mobile and should be able to vacate areas of construction activity, the education of work crews for this section of the pipeline as to the appearance and possible presence of these snakes is requested so as to minimize the potential for inadvertent mortalities during construction.

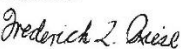
Fisheries Concerns at Watercourse Crossings

SA10-10 DEEP acknowledges and appreciates the commitment stated on page 4-98 of the DEIS that Algonquin will adhere to all of CTDEEP's recommendations in designing its watercourse crossings in Connecticut. We note the discussion on page 5-8 that some blasting in waterbodies may be required along the pipeline segments. Though all watercourse crossings in Connecticut are anticipated to be crossed in the dry (or with HDD techniques for the Still River and Susquehanna Brook), DEEP's Inland Fisheries Division (IFD) nevertheless strongly discourages the use of blasting and urges that it be avoided if at all possible. Should blasting be necessary at any watercourse crossing, please contact IFD in advance to advise

SA10-9 Section 4.7.5.2 of the EIS has been revised to include the information provided by CTDEEP for the ground beetle, pine barrens tiger beetle, Jefferson salamander, eastern box turtle, and eastern hognose snake. This section of the EIS has also been revised to include reference to Algonquin's agreement to implement the avoidance and minimization measures recommended by the CTDEEP for these species.

SA10-10 Comment noted. As stated in section 4.3.2.6 of the EIS, Algonquin would file a schedule identifying when blasting would occur within each waterbody greater than 10 feet wide and within any designated coldwater fishery. This schedule would be made available to applicable agencies.

SA10 – Connecticut Department of Energy and Environmental Protection (cont'd)

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SA10-10 (cont'd)	of the impending blasting work so that a field inspection by IFD staff can be performed to ensure that proper mitigation measures have been taken to prevent fish mortalities. For watercourse crossings in the Danbury or Cromwell segments, contact Don Mysling of the IFD at (860) 567-8998. For crossings east of the Connecticut River, contact Brian Murphy at (860) 295-9523.	
SA10-11	DEEP IFD again notes, as we did in our December 13, 2013 comments on the Resource Reports, the a June 1 through September 30 seasonal construction window would apply to in-water work in all perennial stream crossings regardless of the habitat classifications (warmwater, coolwater, or coldwater). This restriction would not apply to work at the two HDD watercourse crossings.	
SA10-12	<u>Other DEIS Issues and Comments</u> Algonquin's proposed Atlantic Bridge Project contemplates extending the Line 36-A loop east from the terminus proposed in this project and across the Connecticut River into Glastonbury. Upgrades to the Cromwell Compressor Station are anticipated as part of that project. This is probably a naïve question, but could those anticipated enhancements to the Cromwell Compressor Station be done as a part of this project so that the area would only have to be disturbed once rather than twice?	
SA10-13	Statements on pages ES-9, 3-17 and 5-16 discussing the feasibility of using electric-driven compressor units in lieu of gas-fired units at the compressor stations cite in each case a problem with compliance with the air permits for those sites if a switch to electric power was made. There is nothing in the Title V or NSR permits for these facilities that would prevent them from operating a cleaner, less polluting unit at any compressor station site. There may be other reasons relating to extending electric distribution lines to the compressor station sites, as discussed on page 3-16, that might make this choice sub-optimal, but permit constraints would or should not be part of the evaluation.	
SA10-14	The table on page 4-51 indicates that municipal potable water is contemplated for use for the hydrostatic testing of the pipeline segments, compressor stations and metering stations in Connecticut. This appears to be inconsistent with the statement on page 4-100 that the withdrawal intake hoses for hydrostatic test water would be fitted with intake screen devices to eliminate entrainment of fingerling and small fish during water withdrawal.	
SA10-15	There are a couple of errors in units in the discussion of alternative sources of power on pages 3-5 and 3-6 of the DEIS. The last paragraph on page 3-5 speaks of five small hydro-electric projects in southern New England which have been granted preliminary permits by FERC. These projects are cited as ranging in capacity from 30 to 300 kilovolts. The capacity of these projects should be measured in kilowatts rather than kilovolts. Similarly, the last paragraph on page 3-6 discusses the Plainfield Renewable Energy wood-burning generating plant and lists it as having an output of 37.5 MW per year. As correctly noted in the previous sentence on page 3-6 concerning the Dartmouth, Massachusetts organic waste digester, output per year would be in megawatt hours. Megawatts is simply plant capacity.	
In closing, thank you for the opportunity to submit these comments. We look forward to the release of the Final EIS which we understand is anticipated in December. Please feel free to contact me at (860) 424-4110 should you have any questions regarding these comments.		
Respectfully,  Frederick L. Riese Senior Environmental Analyst		

- SA10-11 Comment noted. As stated in the FERC Procedures, "unless expressly permitted or further restricted by the appropriate federal or state agency in writing on a site-specific basis, instream work, except that required to install or remove equipment, must occur during the following time window: coldwater fisheries - June 1 through September 30." Algonquin must comply with in-water construction work windows as identified in the Procedures or as indicated in applicable permits.
- SA10-12 See the response to comment FA3-5.
- SA10-13 Comment noted. The text in the appropriate sections of the EIS has been revised.
- SA10-14 As noted in table 4.3.2-4, the majority of water used for hydrostatic testing would be obtained from a municipal water source; however, a portion would be obtained from Old Verplanck Quarry Lake. The text in section 4.6.2.1 on hydrostatic test water has been updated to state "intake hoses from non-municipal water sources would be fitted with intake screens..."
- SA10-15 Comment noted. The text in section 3.2.2 of the EIS has been revised.

SA10 – Connecticut Department of Energy and Environmental Protection (cont'd)

<small>ALGONQUIN INCREMENTAL MARKET DEIS</small>		<small>5</small>	<small>SEP 29 2014 4:01:33 PM</small>
Algonquin Incremental Market DEIS			September 29, 2014
Docket No. CP14-96-000			
cc: Connecticut Siting Council			
DEEP/ Tracy Babbidge, Brian Murphy, Don Mysling,			
Robert Kaliszewski, Doug Hoskins, Dawn McKay			

SA11 – New York State Department of Environmental Conservation

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New York State Department of Environmental Conservation
Office of General Counsel, 14th Floor
625 Broadway, Albany, New York 12233-1500
Fax: (518) 402-9018
Website: www.dec.ny.gov



September 29, 2014

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

Re: Spectra Energy/Algonquin Gas Transmission LLC
FERC Docket No. CP14-96-000, Algonquin Incremental Market Project
FERC Staff Draft Environmental Impact Statement

Subject: New York State Department of Environmental Conservation Comments.

Dear Ms. Bose:

The New York State Department of Environmental Conservation (NYSDEC) appreciates the time and effort of the FERC Staff in developing the Draft Environmental Impact Statement (DEIS) issued August 6, 2014 in the above docket. In its cover letter to the DEIS, the FERC Staff states:

“The FERC staff concludes that approval of the proposed project would result in some adverse environmental impacts; however, most of these impacts would be reduced to less-than-significant levels with the implementation of Algonquin’s proposed mitigation and the additional measures recommended in the draft EIS.”

SA11-1 | NYSDEC respectfully submits that the DEIS, in its present state, is not adequate to support the position of the FERC Staff that the adverse environmental impacts identified therein will be insignificant. As discussed in detail below, many areas in the DEIS need to be supplemented with additional information, evaluations and studies and vetted with the public before the EIS can be finalized. It is not sufficient to merely identify adverse environmental impacts and conclude, based on information to be developed outside the public review process, that such impacts will be insignificant. As required by NEPA, the public must have a fair and meaningful opportunity to review and comment upon all of the information that supports the FERC Staff’s determination that the adverse environmental impacts will be insignificant. This cannot happen until and unless the DEIS is supplemented and the public is provided an opportunity to review and comment upon it.

Admittedly, this is a complex project, crossing four states, 108 water bodies, including 42 perennial streams, 62 intermittent streams, 3 ephemeral streams, and a ponded area primarily using dry crossing methods. Algonquin proposes to cross two of the water bodies, the Hudson River in New York and Still Rivers in Connecticut, using the horizontal directional drill (HDD)

SA11-1 See the responses to comments FA4-1, FA6-5, and SA1-12.

SA11 – New York State Department of Environmental Conservation (cont'd)

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method. It also crosses several state and local parks, wildlife reservations and recreational areas in New York State. According to the DEIS, construction of the Project would impact 52.3 acres of wetlands, about 24.0 acres in New York and 28.3 in Connecticut. About 35.3 acres (67 percent) would involve herbaceous and shrub-scrub wetlands, and the remaining 17.1 acres (33 percent) would involve forested wetlands. About 2.3 acres of the forested wetlands would be permanently converted to non-forested wetlands during operation of the pipeline facilities. The remaining 14.7 acres of forested wetlands are expected to eventually revert to preconstruction conditions following construction. FERC Staff recommends that Algonquin develop a final Compensatory Mitigation Plan in consultation with the USACE, the NYSDEC, and the CTDEEP.

SA11-2 While it is possible that New York State may receive some temporary economic benefit during the period of construction, and local tax benefit after construction, it will receive no direct benefit from the additional natural gas flowing through this Project, and will bear the temporary and permanent impacts from a large part of the construction. To offset these impacts – as well as the impacts in the other states, the FERC Staff developed over 40 specific mitigation measures (Section 5.2 of the DEIS) that Algonquin would be required to implement to reduce the environmental impacts that would otherwise result from construction of this Project. The FERC Staff determined that these specific conditions are necessary to reduce adverse impacts associated with the Project, and in part, based its conclusions on implementation of these measures. One must, therefore, conclude that in the absence of these conditions the FERC would not approve the Project. Unfortunately, the conditions – if required by the FERC, merely require Algonquin to file information with the FERC prior to the end of the DEIS comment period or prior to construction. This would not provide the parties or the public an opportunity to comment on the information provided.

SA11-3 In addition, other Parties, local legislatures, legislators and the public have filed numerous comments questioning the completeness of the DEIS. While we agree with some of those comments – and see no need to repeat them here – we believe they all need to be substantively addressed, and that the FERC Staff must prepare a supplemental draft EIS (SDEIS) once all the comments are addressed and all the information requested from Algonquin is provided, and that there be a minimum 60-day – but preferably 90-day - public comment period.

It appears from the DEIS that much is not yet known about the Project area, or what is known requires further investigation - despite the existence of Algonquin's pipeline and maintenance of its ROW. This information should be provided, and an SDEIS should be prepared with an opportunity for public comment as noted above. This information includes, but is not limited to:

SA11-4 **Metering & Regulating Stations** - unfortunately, the design of the modifications to several M&R stations is not yet complete, and the FERC Staff recommends that Algonquin provide an update regarding the air permitting requirements associated with the modifications to the M&R stations in New York, Connecticut, and Massachusetts.

SA11-5 **Hudson River Crossing** - NYSDEC questioned the need for the additional 42-inch diameter pipeline across the Hudson River when the three existing pipelines would continue to remain in service. (Sec. 3.0) Algonquin indicates that it does not intend to

SA11-2 See the response to comment FA4-1.

SA11-3 See the responses to comments FA4-1, FA6-5, and SA1-12.

SA11-4 See the response to comment SA1-7. The draft EIS included a conservative estimate of air emissions associated with equipment at the modified or new M&R stations based on potential equipment. Section 4.11 of the EIS has been updated to reflect the most current design information and permitting requirements.

SA11-5 Section 3.5.1.1 of the EIS has been expanded to include additional information about the need to maintain all three existing pipelines across the Hudson River.

SA11 – New York State Department of Environmental Conservation (cont'd)

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- SA11-5 (cont'd) remove or replace any of the three existing pipelines that currently cross the Hudson River within the mainline right-of-way (i.e., two existing 24-inch-diameter pipelines and a 30-inch-diameter pipeline). (Section 2.1.1.2) Algonquin maintains that these existing pipelines do not have sufficient available capacity to accommodate the additional volume of natural gas required by the Project Shippers, but Algonquin states that it would maintain service on the three existing pipelines across the river to enhance system reliability (see section 3.5.1). However, the three existing pipelines have greater total cross-sectional area 1,610 sq. in. vs. the new pipeline 1,385 sq. in. The existing pipelines are limited to a pressure. The two existing 24-inch-diameter pipelines each have an MAOP of 674 psig, and the 30-inch-diameter pipeline has an MAOP of 750 psig. However, it remains unclear how much gas can go through the three existing pipelines vs. the new pipeline at 850 psig. It also remains unclear whether the three existing pipelines will remain in service or only be used as a backup if the need arose.
- SA11-6 Algonquin proposes to install the pipeline below the Hudson River bed using the horizontal directional drill (HDD) construction method (see section 2.3.1.2). However, Algonquin has not provided a contingency plan that incorporates another location or another construction methodology for the HDD crossing. Therefore, if an HDD in its proposed location proves unsuccessful, Algonquin would be required to identify a new location for the crossing or new methodology, and request approval for the new location or methodology with all applicable agencies. (p. 2-36)
- SA11-7 **Sec. 4.1.5.1 Seismicity and Faults** – the risk and potential impacts resulting from seismic activity at the faults indicated has not been quantified.
- SA11-8 **Sec. 4.2.1.5 & 4.2.2.6 Contaminated Soils** – potential contaminants and additional field sampling is necessary.
- SA11-9 **Sec. 4.3.2.1 Existing Surface Water Resources** – a site-specific crossing plan for the Catskill Aqueduct is necessary.
- SA11-10 **Sec. 4.3.2.6 – Trench Dewatering** – requiring Algonquin to file a trench dewatering plan to minimize trench dewatering as recommended by the NYSDEC, and in-stream blasting procedures.
- SA11-11 **Sec. 4.4.5 Compensatory Mitigation** – providing a final New York compensatory mitigation plan agreeable to both USACE New York District and NYSDEC.
- SA11-12 **4.6.1.3 Wildlife Management Areas or Refuges** - The DEIS assumes that all approvals for crossing public parkland and recreation areas, e.g. Harriman State Park, Blue Mountain Reservation, Cheesecote Mountain Town Park, will be received, or are not needed, but provides no indication how Algonquin will proceed if those approvals are not forthcoming or if additional ROW is needed, e.g. will Algonquin seek eminent domain or reroute the pipeline? See also Sec. 4.8.5.1 indicating the need for at least 2.0 acres of

¹ We have been advised of an August 18, 1953 NYS Public Service Commission Order limiting the transmission line pressure to 650 psig. (Case 15686). This should be verified.

- SA11-6 As stated in section 4.3.2.3 of the EIS, "if an HDD in its proposed location proves unsuccessful, Algonquin would be required to identify a new location for the crossing or new methodology, and request approval for the new location or methodology with all applicable agencies." In the event of an unsuccessful HDD, we are recommending that Algonquin file a site-specific plan for review and approval concurrent with its application to the USACE and other applicable agencies (see section 4.3.2.3 of the EIS).
- SA11-7 As stated in section 4.1.5 of the EIS, "Seismic risk can be quantified by the motions experienced by the ground surface or structures during a given earthquake, expressed in terms of gravity. For reference, peak ground acceleration (PGA) of 10 percent of gravity is generally considered the minimum threshold for damage to older structures or structures not made resistant to earthquakes." The section then goes on to provide the seismic risk present along the Project pipeline segments as a PGA with a 2 percent incidence per 50 years and a PGA with a 10 percent incidence per 50 years. Site specific conditions, including earthquakes, are considered in the design of the pipeline. See also the response to comment SA4-2.
- SA11-8 See the response to comment SA1-5.
- SA11-9 Section 4.3.2.1 of the EIS has been revised to include the latest information on the Catskill Aqueduct crossing.
- SA11-10 Section 4.3.2.6 of the EIS has been revised to include the additional measures Algonquin has proposed in response to NYSDEC's comments and our recommendation in the draft EIS.
- SA11-11 See the response to comment FA3-3.
- SA11-12 This issue is beyond the scope of FERC's NEPA review. The use of eminent domain is discussed in section 4.8.2 of the EIS.

SA11 – New York State Department of Environmental Conservation (cont'd)

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- SA11-12 (cont'd) temporary ROW and permanent tree clearing in Harriman State Park. (See also Sec 5.1.6)
- SA11-13 **4.7.1.2 Species under FWS Jurisdiction** – Indiana bat surveys and avoidance and mitigation measures must be completed. (See also Sec. 5.1.7)
- SA11-14 **4.7.2 Migratory Birds** - updated consultations with the New York and New England Field Offices of the FWS and NYSDEC regarding migratory birds, including any avoidance or mitigation measures must be completed.
- SA11-15 **4.7.3 Bald Eagles** - updated consultations with the FWS and NYSDEC regarding bald eagles, including any avoidance or mitigation measures. (See also Sec. 5.1.7)
- SA11-16 **4.7.5.1 New York - Timber Rattlesnake** - Algonquin states that it will not be able to adhere to the NYSDEC's recommended seasonal restrictions for timber rattlesnakes. Algonquin must provide all survey results for timber rattlesnake habitat, permit requirements, and avoidance, or mitigation measures developed in consultation with, and approved by, the FWS and NYSDEC.
- SA11-17 **4.8.1.2 Pipeline Facilities** - For the portion of the Project crossing the Hudson River, Algonquin proposes to utilize a 75-foot-wide construction right-of-way and a 50-foot-wide permanent right-of-way where the route deviates from the existing right-of-way on land. However, within the Hudson River itself, the DEIS maintains there would be no construction right-of-way with the use of HDD, but a new 10-foot-wide permanent right-of-way would be established across the river. Would not the State Legislature need to grant both a construction ROW and a permanent ROW?
- SA11-18 **4.8.3.1 Existing Residences and Commercial and Industrial Facilities** – a revised Residential Construction Plans to protect and minimize impacts to existing and planned residences and businesses within at least 100 feet of construction works areas or laydown sites. (See also Sec 5.1.8)
- SA11-19 **TABLE 4.8.3-1** – Final plans for the Project vis-à-vis other nearby existing and approved/planned energy related projects, e.g. Champlain Hudson Power Express Project, West Point Partners Transmission Project (see also Sec. 4.12.3 for WPP), Indian Point Energy Center (Nuclear Plant) (see also Sec. 4.8.5.1 & 4.12.3 for IPEC).
- SA11-20 **4.8.4.1 New York (Coastal Zone Management)** – documentation of concurrence from the NYSDEC that the Hudson River crossing is consistent with the New York coastal policies, including the Stony Point and Peekskill LWRPs.
- SA11-21 **4.8.5.1 New York** - a site-specific construction plan for each of the Sites listed, including tree surveys where trees will be cut, temporary and permanent impacts, acquisition of temporary and permanent ROW, etc. See <http://www.parks.ny.gov/publications/> re: Parkland Alienation.

- SA11-13 Comment noted. Algonquin sent the Indiana Bat survey results, including the proposed avoidance/minimization measures for the species, to Lisa Masi at the NYSDEC on September 2, 2014 for review and comment. Sections 4.7.1 and 4.7.1.2 of the EIS have been revised to include the results of the Indiana bat surveys and the results of consultations with the FWS. Any additional avoidance or minimization measures required by the NYSDEC would be addressed during the NYSDEC permitting process.
- SA11-14 Comment noted. See the response to comment FA4-26. Algonquin consulted with the NYSDEC New York Natural Heritage Program regarding the documented occurrences of state protected species, continues to coordinate with the NYSDEC regarding the proposed facilities with regards to protected species, and has consulted with the FWS with regards to migratory birds. Any additional avoidance or minimization measures required by the NYSDEC would be addressed through consultation with the NYSDEC and during the NYSDEC permitting process for the Project.
- SA11-15 Comment noted. Algonquin sent the bald eagle survey results to Lisa Masi at the NYSDEC on September 2, 2014 for review and comment. Section 4.7.3 of the EIS has been revised to include the results of consultations with the FWS regarding bald eagles. Any additional avoidance or minimization measures required by the NYSDEC for bald eagles would be addressed during the NYSDEC permitting process.
- SA11-16 Comment noted. Algonquin sent the timber rattlesnake habitat assessment survey results to Lisa Masi at the NYSDEC on July 28, 2014 for review and comment. Section 4.7.5.1 of the EIS has been revised to present the results of the habitat assessment surveys for the timber rattlesnake. Any necessary permits and additional avoidance or minimization measures required by the NYSDEC for the timber rattlesnake would be addressed through consultation with the NYSDEC and during the NYSDEC permitting process.
- SA11-17 Section 4.8.1.2 accurately states that, with the use of the HDD method, no construction right-of-way would be required within the Hudson River. Only the nominal 10-foot-wide permanent right-of-way would exist across the river during operation. Algonquin would seek an easement for the use of lands underwater from the New York State Office of General Services (see table 1.3-1 of the EIS).
- SA11-18 We disagree. The minimum filing requirements for an application with the Commission includes describing the typical mitigation measures for each residence that is within 50 feet of the edge of the construction work area as well as any proposed residence-specific mitigation. We find that the residential site-specific plans for residences within 50 feet (see appendix H of the EIS) are sufficient to ensure that potential impacts on residences are minimized. However, general measures to minimize construction-related impacts would also be implemented in residential areas (not solely residences within 50 feet of the construction right-of-way), including a traffic management plan, fugitive dust control plan, and restoration measures specific to residential property.
- SA11-19 Table 4.8.3-1 in the EIS provides the most current information available to the FERC regarding these projects. The FERC has determined this information is sufficient for it to complete the final EIS for the AIM Project.
- SA11-20 See the response to comment SA1-6.
- SA11-21 Temporary and permanent impacts on each of the identified areas is provided in appendix P to the EIS. See also the responses to comments SA1-8, SA1-9, SA4-14, CO3-8, and CO14-28.

SA11 – New York State Department of Environmental Conservation (cont'd)

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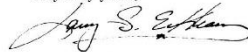
- SA11-22 | **4.10.5 General Impact and Mitigation** – filing all remaining cultural resources survey and evaluation reports, any necessary treatment plans.
- SA11-23 | **4.11.1.2 Air Quality Regulatory Requirements** – provide an update regarding the air permitting requirements associated with the modifications to the M&R stations in New York and copies of all permit applications or other permit registration documentation that have been filed with the NYSDEC.
- SA11-24 | **4.11.1.3 Air Emission Impacts and Mitigation** – provide a detailed Fugitive Dust Control Plan that specifies the precautions that Algonquin would take to minimize fugitive dust emissions from construction activities, including additional mitigation measures to control fugitive dust emissions.
- SA11-25 | **4.13 Cumulative Impacts** – cumulative impacts were not properly addressed, especially as it relates to Algonquin's Atlantic Bridge Project. The DEIS did not consider the impact of the Atlantic Bridge Project because "the temporal scale of the projects is different" and "because details are not known". However, FERC Staff indicated that if it were otherwise, the cumulative impact would probably need to be considered. Considering the short and long term impacts of these projects, the cumulative impact should be considered now.

SA11-26 | As you know, NYSDEC, in accordance with Clean Water Act (CWA) § 401, is required to certify that a facility meets state water quality standards prior to a federal agency issuing a federal license or permit in conjunction with its proposed operation. NYSDEC reserves its rights pursuant to CWA § 401 to require the applicant to supplement its application for a Water Quality Certificate, as may be necessary, to assure the Project's compliance with State water quality standards.

It is absolutely imperative that the FERC Staff prepare an SDEIS once all the above information is provided, and all public comments are substantively addressed, and that there be a 90-day - public comment period.

Thank you for your consideration.

Very truly yours,



Larry S. Eckhaus
Senior Attorney
larry.eckhaus@dec.ny.gov
Phone: 518-402-9533

cc: FERC Service List

-5-

- SA11-22 The FERC will continue to consult with the New York State Historic Preservation Office (SHPO) regarding compliance with section 106 of the National Historic Preservation Act, including review and comment on all remaining cultural resource surveys, evaluation reports, and if necessary, treatment plans.
- SA11-23 See the response to comment SA11-4.
- SA11-24 See the response to comment SA7-5.
- SA11-25 See the response to comments FA3-5.
- SA11-26 See the responses to comments FA4-1, FA6-5, and SA4-15.

SA12 – New York Public Service Commission

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THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350
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PUBLIC SERVICE COMMISSION

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KIMBERLY A. HARRIMAN
Acting General Counsel
KATHLEEN H. BURGESS
Secretary

September 29, 2014

VIA ELECTRONIC FILING

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: Algonquin Gas Transmission, LLC
Docket No. CP14-96-000
FERC EIS-0245D

Dear Ms. Bose:

Attached please find the Comments of the New York Public Service Commission on the Draft Environmental Impact Statement in the proceeding of Algonquin Gas Transmission, LLC, for the Algonquin Incremental Market Project.

Should you have any questions, please contact me at (518) 474-1585.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Alan T. Michaels'.

Alan T. Michaels
Assistant Counsel

Attachment

SA12 – New York Public Service Commission (cont'd)

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UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Algonquin Gas Transmission, LLC) Docket No. CP14-96-000

COMMENTS OF THE
NEW YORK PUBLIC SERVICE COMMISSION

The following are comments from the New York Public Service Commission (NYPSC) regarding the Draft Environmental Impact Statement (DEIS) for the proposed Algonquin Incremental Market Project to be constructed and operated, in part, in New York State. Our comments seek to address areas of interest to NYPSC, including: co-location of pipeline facilities with other proposed utility facilities, and protection of critical utility infrastructure.

INTRODUCTION

NYPSC has oversight responsibilities for the safe and reliable operation of utility infrastructure in New York State, including acting as the agent for the federal Department of Transportation (USDOT) fuel gas transmission pipeline safety requirements.¹ NYPSC also has extensive experience in siting, construction, operation and long-term maintenance aspects of utility infrastructure, including gas and electric transmission

¹ Natural Gas Pipeline Safety Act of 1968, and Hazardous Liquid Pipeline Safety Act of 1979, 49 U.S.C. §601.

SA12 – New York Public Service Commission (cont'd)

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facilities, co-location issues, and environmental impact evaluation, avoidance and mitigation. NYPSC and its Departmental Staff have direct responsibilities for utility siting and construction for intra-state gas transmission pipelines and major electric transmission facilities pursuant to New York State Public Service Law (PSL) Article VII. NYPSC offers the following comments on the DEIS developed pursuant to the National Environmental Policy Act² for the Algonquin Incremental Market Project¹.

BACKGROUND

On August 6, 2014, FERC issued a Notice of Availability of the Draft Environmental Impact Statement for the Proposed Algonquin Incremental Market Project and Public Comment Meetings for the projects. The DEIS provides basic information about the Algonquin Pipeline proposal, which includes the construction and operation of facilities in New York State including: replacement of approximately 15.7 miles of existing 26-inch pipeline with 42-inch-diameter pipeline (including a 2.9 mile segment on new right-of-way crossing the Hudson River) at locations in Rockland, Westchester and Putnam Counties; expansion of existing gas compressor station including a net increase of 21,000 horsepower of compression facilities located in Rockland County; and proposed main line pig-launching, gas heating and valve assembly facilities in New York State. Other

² National Environmental Policy Act of 1969, 42 U.S.C. §4321 et seq.

SA12 – New York Public Service Commission (cont'd)

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facilities located in Connecticut and Massachusetts are also proposed.

DISCUSSION

Additional Information is Needed to Evaluate Facility Impacts

The DEIS includes discussion of other proposed major utility facilities that are within the area studied for the Algonquin AIM project, including the Champlain Hudson Power Express (CHPE) and West Point Partners Transmission (WPP) major electric transmission lines (DEIS, pg. 3-6; pg. 4-144 at Table 4.8.3-1; pg. 4-147; et. al.). The NYSPSC granted CHPE a Certificate of Environmental Compatibility and Public Need on April 18, 2013, (Case 10-T-0139) pursuant to the Public Service Law of the State of New York. The CHPE project is currently undergoing federal review, with a Final EIS issued by the US Dept. of Energy on August 8, 2014 (EIS No. 20140227; DOE/EIS-0447). The WPP project is undergoing siting review by the NYSPSC in a proceeding pursuant to Public Service Law Article VII (Case 13-T-0292).

SA12-1 | The DEIS correctly identifies potential for overlap in construction periods of the Algonquin AIM and CHPE projects. The proposal to install the 42-inch pipeline via Horizontal Directional Drilling should avoid direct conflicts in construction of the CHPE facility, and coordination of

SA12-1 Comment noted.

SA12 – New York Public Service Commission (cont'd)

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SA12-1
(confd) activities to address potential construction-related impacts is appropriate, as noted at DEIS page 4-147.

SA12-2 The discussion of the location of proposed Algonquin AIM pipeline in relation to the proposed WPP high-voltage direct current (HVDC) and high-voltage alternating current (HVAC) electric cables, as well as the proposed HVDC-AC converter station, is incorrect. The DEIS at page 4-148 states "The West Point Transmission Project would be about 530 feet west of the AIM Project, at the closest point." Based on revised location information provided by West Point Partners LLC principle witness Christopher Hocker in supplemental testimony in Case 14-T-0292 before the NYSPSC on September 12, 2014, the WPP HVDC cables would cross the Algonquin-AIM 42-inch pipeline, and then run parallel to the pipeline at an offset of approximately 50 feet, as those facilities are proposed proceeding easterly from the Hudson River landfall location on property currently owned by Consolidated Edison Corp. The AIM pipeline would turn northerly and be located within approximately 50 feet west of the proposed HVDC-AC converter station location on the Consolidated Edison property. The pipeline and WPP HVAC cables would continue northerly at a close offset for several hundred feet north of the converter station location. Attached figure labeled CH-01 indicates the location of proposed WPP facilities in relation to the Algonquin-AIM 42-inch pipeline route.

-4-

SA12-2 In September 2014, WPP proposed an alternative location for the electric transmission line. The EIS has been updated to reflect the current alignment of the WPP Project in relation to the AIM Project and to address any cumulative or safety impacts.

SA12 – New York Public Service Commission (cont'd)

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SA12-2
(cont'd)

The discussion and conclusions reached in the DEIS regarding construction activities, sharing of information between Algonquin and WPP, and conducting interference studies should be further supplemented based on the significantly revised locational information provided by WPP to the NYSPSC. The characterization of separation of the two facilities in the DEIS should be revised to reflect the close co-location proposed by WPP, and information sharing and coordination between the two developers should be better managed for purposes of developing accurate information to be reported in the Final EIS for the Algonquin-AIM project.

CONCLUSION

Based on the foregoing, the NYSPSC respectfully requests that the Commission take into consideration all of the comments and potential issues noted above during the review of the environmental impact statement for the proposed Algonquin pipeline.

Respectfully submitted,

S/ Kimberly Harriman

Kimberly Harriman
General Counsel

By:
Alan T. Michaels
Assistant Counsel
Public Service Commission
of the State of New York
3 Empire State Plaza
Albany, NY 12223
(518) 474-1585

October 1, 2014
Albany, New York

SA12 – New York Public Service Commission (cont'd)

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CERTIFICATE OF SERVICE

I, Alan T. Michaels, do hereby certify that I will serve on September 29, 2014, the foregoing Comments of the New York State Public Service Commission upon each of the parties of record indicated on the official service list compiled by the Secretary in this proceeding.

Dated: September 29, 2014
Albany, New York


Alan T. Michaels

SA13 – Massachusetts Energy Facilities Siting Board

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DEVAL L. PATRICK
GOVERNOR

THE COMMONWEALTH OF MASSACHUSETTS
ENERGY FACILITIES SITING BOARD
ONE SOUTH STATION
BOSTON, MA 02110
(617) 305-3525

September 29, 2014

VIA ELECTRONIC FILING

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Jon N. Bonsall, Esq.
Keegan Werlin, LLP
265 Franklin Street
Boston, MA 02110
COUNSEL TO ALGONQUIN
GAS TRANSMISSION, LLC

Re: Algonquin Gas Transmission, LLC, Docket No. CP14-96-000

Dear Ms. Bose and Mr. Bonsall:

The Massachusetts Energy Facilities Siting Board ("Siting Board") appreciates the opportunity to review and comment on the draft environmental impact statement ("Draft EIS") prepared by the staff of the Federal Energy Regulatory Commission ("FERC") for the Algonquin Incremental Market Project ("AIM Project" or "Project"). The Siting Board's comments incorporate public concerns about the Project expressed in response to the Draft EIS in written comments and at a public forum. The Project, as proposed by Algonquin Gas Transmission, LLC ("Algonquin" or "Company"), would expand Algonquin's existing pipeline system from an interconnection at Ramapo, New York to deliver up to an additional 342,000 dekatherms per day of natural gas transportation service to the Connecticut, Rhode Island, and Massachusetts markets.¹ This letter addresses the Massachusetts portion of the AIM Project known as the West Roxbury Lateral ("WRL").

¹ The transportation path for the AIM Project encompasses a substantial portion of the Algonquin system from receipt points at Ramapo, New York, and Mahwah, New Jersey, near the western end of the system, to Everett, Massachusetts, near the eastern end.

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SA13 – Massachusetts Energy Facilities Siting Board (cont'd)

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I. INTRODUCTION

Algonquin is a wholly owned subsidiary of Spectra Energy ("Spectra"). With the AIM project, Algonquin seeks to expand its existing pipeline system in New York, Connecticut, Rhode Island, and Massachusetts. FERC is reviewing the AIM Project under its regulations in compliance with the Natural Gas Act ("NGA") and the National Environmental Policy Act ("NEPA").

The Siting Board is an independent board of the Commonwealth of Massachusetts with a statutory mission to ensure a "reliable energy supply for the Commonwealth with a minimum impact on the environment at the lowest possible cost." G.L. c. 164, § 69H. The Siting Board is required by regulation in 980 C.M.R. § 7.07(9)(a) to intervene when an interstate natural gas pipeline company applies to FERC to construct or modify pipeline facilities within Massachusetts. FERC has allowed the Siting Board's petition to intervene in the instant case, Algonquin Gas Transmission, LLC, Docket No. CP14-96-000.

In the pre-filing phase of the Project, the Siting Board conducted a site visit to the primary and the alternative pipeline routes and held its own public comment hearing regarding the WRL.² In addition, the Board participated in FERC-facilitated teleconferences addressing the Massachusetts portion of the Project. In the Project filing phase, the Siting Board staff have monitored filings and public comments posted for the AIM Project on the FERC website. Most recently, Siting Board staff attended a September 8, 2014 meeting held by FERC in the WRL area to hear public comments on the Draft EIS.

II. PROPOSAL

The Project will include the construction of approximately 37.6 miles of pipeline facilities, modifications to six existing compressor stations (resulting in the addition of 81,620 horsepower of compression), modification to 24 existing metering and regulating ("M&R") stations, and the construction of three new M&R stations. As a result of these changes, the maximum design capacity of the expanded Algonquin system will increase from approximately 2.6 billion cubic feet per day to 2.9 billion cubic feet per day.

The WRL includes installation of 4.9 miles of new pipeline in the towns of Westwood and Dedham and in the West Roxbury section of Boston. Of the 4.9-mile total, 4.09 miles of

² The Siting Board previously submitted written comments during the pre-filing phase of this case on October 15, 2013, and on December 13, 2013. The October 15 letter addressed comments submitted on line and made at the FERC public scoping meeting held on October 3, 2013. The December 13 letter addressed twelve Draft Resource Reports filed pursuant to FERC regulations by Algonquin and included a summary of comments made at a public hearing on the AIM Project held December 3, 2013, by the Siting Board.

SA13 – Massachusetts Energy Facilities Siting Board (cont'd)

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pipeline would be 16 inches in diameter and 0.81 miles would be 24 inches in diameter.³ Algonquin would also construct two new M&R stations in Massachusetts in connection with the AIM Project, one in West Roxbury and the other in Freetown (the Assonet M&R station). Modifications would be made to existing M&R stations located in Freetown, New Bedford, Middleborough, Brockton, Norwood, Needham, Wellesley, and Medford. The WRL would originate in Westwood and be sited within or near Route 1 (aka Providence Highway) in Dedham, and within or near Washington Street, Grove Street, and Centre Street in West Roxbury.

III. COMMENTS ON FERC'S DRAFT EIS

As required by regulation, FERC has distributed a Draft EIS for the AIM Project and anticipates issuing a Final EIS at the end of 2014. In connection with issuance of the Draft EIS FERC staff have also held public meetings in each of the four states along the Project route. The Siting Board staff have reviewed the Draft EIS and attended the associated public hearing held by FERC in Massachusetts on September 8, 2014. Comments at the public hearing focused on three broad areas of concern: (1) the safety of the Project; (2) alternatives to the Project; and (3) process issues related to planning for the Project. Potential traffic impacts of Project construction and impacts to commercial and residential areas were also subjects of considerable interest at the hearing. The following discussion summarizes public comments in Massachusetts on the Draft EIS and additional observation by the Siting Board, with particular focus on the WRL.

A. Pipeline Alignment and Traffic

SA13-1 The Siting Board agrees with comments by the legal representative for Legacy Place, a commercial center along the Project route and an intervenor in this proceeding. Counsel for Legacy Place notes that, although not indicated in the Draft EIS, Algonquin has shifted its pipeline alignment from the north side of Route 1 to the south side, the roadway where Algonquin would construct a significant segment of the WRL. The Siting Board joins Legacy Place in favoring this shift as a way to limit driveway crossings and disturbance to contaminated sub-soils along the roadway shoulder. If well planned, construction of the Project along this modified alignment would minimize traffic impacts. The Siting Board favors the pipeline alignment on the south side of Route 1, but reserves its final determination on this issue until additional information becomes available in the revised Draft EIS.⁴

SA13-2³ The length of the WRL has changed since distribution of Algonquin's Draft Resource Reports, which listed the WRL as 4.9 miles long. The Draft EIS describes the WRL as 5.1 miles in length. Algonquin's September 19, 2014 Supplemental Information (at 1) filing indicates that the total length of the WRL as currently planned is 4.9 miles.

SA13-3⁴ As part of its review process, FERC responds to comments and/or revises the Draft EIS before issuing a Final EIS. The Siting Board asks that FERC make specifics of the identified Algonquin pipeline realignment available at its earliest possible convenience.

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- SA13-1 Subsequent to the draft EIS, Algonquin proposed a route variation and other modifications in the vicinity of Legacy Place Properties. Our evaluation of the route variation and other modifications is included in sections 3.5.2.2 and 3.5.3 of the EIS.
- SA13-2 The length of the West Roxbury Lateral was correct at the time the draft EIS was published. Since then, Algonquin has filed minor route changes that have been incorporated into the proposed route. These changes have shortened the West Roxbury Lateral and reduced impacts. The EIS has been revised to reflect these changes.
- SA13-3 Comment noted. Several route and workspace changes were filed by Algonquin on September 19 and 29, 2014. This information was posted on the FERC's eLibrary website shortly thereafter. Our analysis of the proposed changes, including maps of the route variations, is included in sections 3.5.2 and 3.5.3 of the EIS.

SA13 – Massachusetts Energy Facilities Siting Board (cont'd)

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SA13-4 The Siting Board anticipates that planned nighttime construction in commercial areas along Route 1 will also contribute to minimizing traffic impacts. While the Siting Board supports nighttime construction in commercial areas, we recommend daytime construction off Route 1 in residential areas as overnight construction noise would be disruptive. The Company states that it will coordinate any work during peak traffic periods, 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., with the Massachusetts Department of Transportation ("MassDOT") and the communities of Westwood, Dedham, and/or West Roxbury. Given the necessity for daytime construction in residential areas, the Siting Board notes that it is imperative that the Company implement this coordination with MassDOT as planned.

Appendix G of the Draft EIS (the Traffic Management Plan) addresses rush hour traffic management and coordination of traffic management with local authorities. The Siting Board recommends that it also address construction crew parking.

B. Safety

SA13-5 With respect to safety, the proximity of the Project to various sensitive receptors is of concern in the community. The close proximity of the pipeline to Gonzalez Field in Dedham at the intersection of High Street and East Street has garnered particular attention, as has the installation depth of the pipeline. Both Algonquin and FERC have continued to examine pipeline routing at Gonzalez Field with a view to reducing Project impacts at this location. The Draft EIS included a realignment of the originally proposed pipeline route at Gonzalez Field.⁵ FERC required that Algonquin supply supplemental information for its pipeline at Gonzalez Field in the form of a site-specific construction plan to be filed prior to the end of the Draft EIS comment period. Algonquin recently (September 19) provided the supplemental information requested by FERC for Gonzalez Field; however, Algonquin's filing described additional changes between the WRL at locations MP 2.42 to MP 2.67 (Gonzalez Field), raising the possibility that the current alignment is not the final one. The Siting Board further notes that the September 19th filing did not entirely resolve safety concerns associated with the Gonzalez Field alignment of the pipeline.

The Siting Board therefore asks that FERC closely review any information on the Gonzalez Field pipeline segment that Algonquin submits subsequent to its September 19th filing, as will the Siting Board. The Siting Board also urges FERC to require that, in burying pipelines through playing fields, the Company meet and exceed standard safety protocols for street installations of pipeline. The Company should examine the possibility of deeper-than-minimum

This will allow Siting Board review and comment on the realignment with sufficient time for incorporation of any resulting changes in the EIS.

⁵ See the Draft EIS at Table 3.5.4-I.

SA13-4 Comment noted. Section 4.9.5.2 of the EIS has been updated to reflect Algonquin's continued coordination with local municipalities, stakeholders (i.e., Legacy Place Properties and National Amusements), and the Massachusetts Department of Transportation (MassDOT) as well as our additional recommendation regarding the timing of construction along the proposed West Roxbury Lateral (see recommended condition in section 5.2 of the EIS).

SA13-5 The route and design changes proposed by Algonquin in the vicinity of Gonzalez Field are evaluated in section 3.5.2 of the EIS. PHMSA is the regulatory authority mandated to develop pipeline safety standards to ensure the safe transportation of natural gas. The Project would be constructed in compliance with PHMSA's regulations. Also, see response to comment FA6-3.

SA13 – Massachusetts Energy Facilities Siting Board (cont'd)

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- SA13-5 (cont'd) burial of pipeline and also undertake extra monitoring to maintain the integrity of in-field pipeline segments over the life of the Project.
- SA13-6 Gonzalez Field, St. Teresa Parish, and The Roxbury Latin School are not the only sensitive receptors requiring special attention along the WRL. The Siting Board notes that Algonquin developed Residential Construction Plans ("RCPs") to address impacts on residences within 50 feet of the construction work areas and to inform affected landowners of proposed measures to minimize disruption. FERC, however, has found these plans to be unacceptable. Therefore, FERC has recommended that Algonquin provide revised RCPs that incorporate and address any comments received from affected landowners and also incorporate additional measures to minimize effects prior to construction.
- The Siting Board is concerned that the 50 foot limit is inadequate. Rather, the Board requests that all owners of property within 250 feet of the construction work areas be consulted in connection with the drafting of the revised RCPs. The Siting Board further recommends that, upon receipt of Algonquin's revised RCPs, that FERC confer with landowners of property located within 250 feet of the construction work areas as well as with Algonquin to ensure that the updated RCPs meet both landowner requests to the extent practicable and FERC specifications. The Siting Board further urges that FERC condition any RCP approval for the WRL with the requirement that Algonquin submit proof, following construction, that all residential areas are restored to preconstruction conditions or as specified in written landowner agreements.
- SA13-7 Additional WRL-related safety issues raised by the public include: (1) that the pressure at the meter station (750 pounds per square inch) is too high given the location of the station in a residential area; (2) that shut-off time in case of accident (potentially 90 seconds) is too long; (3) that ten miles is too great a distance between shut-off valves; (4) that the Project requires gas pipeline welds that will eventually require inspection, and inspection of welds is too infrequent to ensure safety along gas pipeline routes; (5) that the safety of pipelines installed in streets with heavy trucking is questionable; and, (6) that in the event of a pipeline explosion, the estimated blast radius of 300 feet would also affect surrounding residences in the fire that accompanies an explosion at a natural gas pipeline. The Siting Board asks that the next version of the EIS specifically address each of these safety concerns.
- SA13-8 The safety of pipeline construction near blasting at the West Roxbury Crushed Stone Quarry ("West Roxbury Crushed Stone" or "Quarry") is also at issue. A related concern is the proposed location across the street from the Quarry of a new M&R station. The siting of the pipeline and the M&R station near the Quarry is the subject of Section III.C, below.

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SA13-6 See the response to comment SA11-18.

SA13-7 Section 4.12 of the EIS identifies that PHMSA is the regulatory authority mandated to develop pipeline safety standards to ensure the safe transportation of natural gas. PHMSA's regulations include setting the maximum allowable operating pressure, the distance of valve spacing based on class location, requirements for inspections of welds, burial depths within streets, and determination of a potential impact radius. The Project would be constructed, operated, and maintained in compliance with PHMSA's regulations.

SA13-8 See the response to comment FA6-1.

SA13 – Massachusetts Energy Facilities Siting Board (cont'd)

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SA13-8 (cont'd)	<p>C. <u>Issues Related to West Roxbury Crushed Stone</u></p> <p>1. <u>General Issues</u></p> <p>The planned route of the AIM pipeline along Centre Street exacerbates existing residential concern about the location of West Roxbury Crushed Stone and its blasting activities for gravel mining. Neighbors of the Quarry assert that blasting occurs frequently and has caused damage at their properties; they anticipate possible damage to the Algonquin pipeline as well. The proposed siting of the West Roxbury M&R station for the Project across the street from the Quarry only increases community misgivings about the proximity of the Quarry. Residents report that icy winter conditions have previously led to local traffic and commercial vehicles accessing the Quarry sliding out of control at this location. They worry about such accidents being even more dangerous given the proposed location of the M&R station.</p> <p>The Siting Board notes that Algonquin has provided a geotechnical review of the impact on the Project of blasting activity at West Roxbury Crushed Stone. The report states that two existing water lines and one existing gas line are located between the proposed pipeline and West Roxbury Quarry. The report does not state, however, whether blasting at the Quarry has ever damaged these pipelines. Such information is essential and the Siting Board requests that it be included in the next version of the EIS.</p>
SA13-9	The Siting Board also notes that public comments about West Roxbury Crushed Stone made in conjunction with review of the Draft EIS suggest that the Quarry may close in the near future. The Siting Board is interested in the likelihood that this closure will occur and the resultant potential impact on traffic flow associated with filling and/or closing the Quarry, and alternative siting options within the Quarry for the M&R station. Given this interest, the Siting Board asks that FERC require Algonquin to prepare an analysis that includes information on future plans for the Quarry, including a timeline for these plans, and any proposed repurposing of the site. As part of this analysis, Algonquin should indicate the activities involved in Quarry repurposing (e.g., filling in the Quarry) and how they would affect the Project pipeline and the M&R station.
SA13-10	
SA13-11	<p>Even if West Roxbury Crushed Stone is not closed in the near future, the Siting Board would welcome a review of the M&R station siting process to ensure that any preferred alternative to the proposed location is not overlooked. In addition, the Siting Board strongly recommends that FERC require that Algonquin meet with the owners of West Roxbury Crushed Stone and with nearby residents. The purpose of meeting would be to develop collaboratively a site-specific construction plan for the Quarry and M&R station location as well as a site-specific noise and vibration mitigation and management plan for the neighborhood.</p>
SA13-12	<p>2. <u>Issues Specific to New Massachusetts Legislation</u></p> <p>The Siting Board draws the attention of FERC and Algonquin to an act recently passed by the Massachusetts Legislature: Massachusetts Acts of 2014, Chapter 149. This new law,</p>
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- SA13-9 Section 4.13 of the EIS has been revised to address the potential future plans of the quarry.
- SA13-10 Section 4.13 of the EIS has been revised to include additional information on the status of the quarry. Section 3.6.2.3 includes an analysis of alternatives sites evaluated for the West Roxbury M&R Station.
- SA13-11 Algonquin stated it has discussed the anticipated schedule and logistics associated with constructing the West Roxbury Lateral and M&R station with the owners of the quarry and has committed to continuing to consult with the quarry. Algonquin's geotechnical investigation, which included an analysis of blasting as well as ground vibrations, air vibrations, hydrogeological disturbance, and projectiles, was conducted with information from various sources, including the owners of the quarry. In addition, since the draft EIS was issued, Algonquin has hosted and/or attended 13 meetings with various agencies, landowner groups, stakeholders, and/or the public in Massachusetts (see section 1.4 of the EIS, which has been revised).
- SA13-12 We recognize that the new act could impose restrictions on the West Roxbury Crushed Stone operations. However, the act does not differentiate between natural gas transmission and distribution lines. As noted by the Massachusetts Energy Facility Siting Board in its comments, there is already an existing natural gas distribution pipeline located within the road right-of-way between the proposed pipeline/M&R station and the quarry, within 500 feet of the quarry. The AIM Project facilities (pipeline and M&R station) would be located further than the existing pipeline. Therefore, the new act appears to have created an issue for the quarry operations regardless of the AIM Project and the AIM facilities would not be the cause of any new restrictions on operation of the quarry or increased or changed restrictions on the quarry. The act also allows for the quarry to seek approval of blasting activities within 500 feet with written approval by the department of public utilities. Section 4.1.4 of the EIS has been revised to include this information. See also the response to comment FA6-1.

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SA13-12
(cont'd) effective as of October 1, 2014, appears directly relevant to operation of West Roxbury Crushed Stone and the alignment of the pipeline. Section 7 of Chapter 149 states:

Notwithstanding any general or special law to the contrary, explosive material, as defined in 527 CMR 13.03, shall not be used to fire a blast in any blasting operation at a site primarily used as a source of mined products from the earth if such site is within 500 feet of a natural gas pipeline or metering and regulation station without written approval by the department of public utilities.

The term "explosion" under 527 CMR 13.03 is broadly inclusive such that whatever the Quarry uses when blasting would most likely qualify by definition as an explosive material for regulatory purposes. The Siting Board notes that although some portions of the Quarry may lie outside the 500 foot radius established by Section 7, it is certainly the case that sections of the proposed pipeline come within 500 feet of the West Roxbury Crushed Stone property line, as does the M&R station. Although FERC is not bound by state law in this instance, the same is not true of the Quarry, to which the provisions of the referenced Massachusetts law are applicable.

The Siting Board recommends, in addition to review of Quarry and pipeline safety concerns already noted, that FERC and Algonquin: (1) analyze whether the planned siting of the pipeline and M&R station might result in a violation of Massachusetts Acts of 2014, Chapter 149, Section 7 by West Roxbury Crushed Stone in the course of its blasting operations; and (2) consider the physical safety consequences posed by such blasting activities, including the advisability of siting of the M&R station and any segments of the proposed pipeline within 500 feet of the Quarry property line. The Siting Board emphasizes that – regardless of whether the Project would result in the Quarry's blasting activities violating Massachusetts Acts of 2014, Chapter 149, Section 7 – it is important to ensure that the Project is sited so that its location is consistent with the continued operation of the Quarry.

D. Visual Impacts

SA13-13 Visual impacts of the M&R station, though less controversial than other potential station impacts, may nonetheless warrant remedy. In the Draft EIS at 4-170, FERC concludes that the M&R station would have minimal visual impact based on Algonquin's statement that it would maintain an existing wooded buffer on the entire west side of the M&R station site as well as along parts of the north and south sides of the parcel. There is, however, no evidence beyond Algonquin's representation on which to base a conclusion as to the station's likely visual impact. Algonquin has not yet provided a site plan or a landscaping plan for the M&R station, despite an earlier Siting Board request to obtain such documents.

SA13-13 Although we believe maintaining a wooded buffer around the M&R station would provide a substantive visual screening, we are recommending that Algonquin provide a landscaping plan for additional mitigation of visual impacts at the West Roxbury M&R Station for our review and approval before construction of the station may begin. Sections 4.8.7.2 and 5.2 of the EIS have been revised to include this recommendation (see recommended condition in section 5.2 of the EIS).

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E. Process Issues

1. Remarks on Process by Members of the Public

SA13-14 Process issues associated with the Draft EIS have also elicited public comment in Massachusetts. Concern about process was very evident at the September 8, 2014 FERC hearing on the Draft EIS. A number of speakers objected that the public hearing focused on the portion of the Project in Massachusetts only rather than on the Project in its entirety. The lack of design information for the M&R station across the street from West Roxbury Crushed Stone was a source of dissatisfaction as was the handling of public notification regarding the Project, public comment hearings, and the Draft EIS. A repeated observation was that the timing of the public comment hearing for the Draft EIS (on the evening before state primary elections) inhibited public participation. In connection with this scheduling issue, several individuals asked FERC to hold an additional public hearing and to extend the comment period on the Draft EIS for the WRL. Commenters suggested that having access to electric utility representatives and representatives of the Project together would be helpful. Many voiced criticism of the public outreach and participation process by Algonquin and FERC.

2. Remarks on Multiple Topics by Public Officials

Four public officials attended, or sent representatives to, the September 8, 2014 FERC public hearing. Henry Cohen represented Boston City Councilor Michelle Wu; Christopher Rusk represented Boston Mayor Martin Walsh. Officials attending the public hearing included Boston City Councilor Matthew O'Malley and Massachusetts State Representative Edward Copping.

- SA13-15 • Councilor Wu's comments, as relayed by Mr. Cohen, addressed the lack of notification, process, safety, and need for the project.
- SA13-16 • Mayor Walsh's comments, as relayed by Mr. Rusk, centered on the safety hazards presented by the pipeline and the diminished quality of life that would be caused by construction in heavily populated West Roxbury. Mr. Rusk also stated that Mayor Walsh had written to FERC to request that Monday night's hearing be postponed because the next day, Tuesday, was primary day. As a consequence, many of the Commonwealth's politicians and its most politically active citizens had other engagements on Monday night. Finally, Mayor Walsh requested that FERC hold another public meeting.
- SA13-17
- SA13-18 • Matthew O'Malley, the Boston City Councilor for the district that includes West Roxbury, asserted that the process of notification was inadequate, and he also requested that FERC hold another meeting.

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SA13-14 See the response to comment FA6-5.

SA13-15 Councilor Wu submitted a separate letter with her comments, which has been coded as LA14. Therefore, see the responses to LA14-1 through LA14-6.

SA13-16 A representative of Mayor Walsh's provided comments at the Dedham comment meeting (see PM1-41 and PM1-42).

SA13-17 See the response to comment FA6-5.

SA13-18 Matthew O'Malley provided comments at the Dedham comment meeting (see PM1-64 through PM1-66). See also the response to comment FA6-5.

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SA13-19

- Edward Coppinger, a state representative whose district includes all of West Roxbury, complained of inadequate notice of the proposed pipeline construction and he also requested that FERC hold another public meeting. In addition, Rep. Coppinger stated that when the Company consulted with the elected officials, he assumed that it would follow up by consulting with the general public. He was disappointed that the Company did not do so.

3. Additional Comments on Process

SA13-20


The Siting Board notes that Board of Selectmen and neighborhood meetings held by Algonquin approximately a week before FERC's September 8 meeting on the Draft EIS provided initial exposure to the AIM Project for some residents. The Siting Board very much supports neighborhood meetings as a tool to inform residents and to collect their feedback on this and other Projects under FERC purview. The Siting Board recommends, however, that such meetings occur at an earlier stage of the process to improve the timing, quality, and completeness of communication between residents and Project developers.

IV. CLOSING COMMENTS

SA13-21

The Project has undergone significant development from the pre-filing stage to publication of the Draft EIS. The Siting Board appreciates the efforts of FERC staff and the Company to address comments submitted during the FERC Project pre-filing process by members of the Massachusetts public and by Siting Board staff. The Siting Board looks forward to examining the revision of the Draft EIS that incorporates the requests and comments above. The Siting Board will continue to monitor electronic filings in Algonquin Gas Transmission, LLC, Docket No. CP14-96-000 through FERC's refinement of its Draft EIS and issuance of its Final EIS, anticipated in mid-December 2014.

Sincerely yours,



Robert J. Shea
Presiding Officer

cc: Mr. Douglas Sipe (FERC)
Ms. Maggie Suter (FERC)

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SA13-19 Edward Coppinger provided comments at the Dedham comment meeting (see PM1-67 through PM1-69). See also the response to comment FA6-5.

SA13-20 See the response to comment FA6-5.

SA13-21 Comment noted.

SA14 – New York State Office of the Attorney General

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STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
ENVIRONMENTAL PROTECTION BUREAU

September 29, 2014

Via Electronic Submission

The Honorable Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
Room 1A East
888 First Street, N.E.
Washington, D.C. 20426

Re: Electronic Filing:
Algonquin Gas Transmission, LLC, Docket No. CP14-96-000,
New York State Office of the Attorney General
Comments on Draft Environmental Impact Statement

Dear Secretary Bose:

Enclosed is the New York State Office of the Attorney General's comments on the draft environmental impact statement for the Algonquin gas pipeline project, submitted by electronic filing.

Please contact us should you have any questions concerning this filing or encounter difficulty opening the document or locating the cited references.

Respectfully submitted,

Philip Bein

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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

-----X

In the Matter of: Docket No: CP14-96-000

Algonquin Gas Transmission, LLC September 29, 2014

For a Certificate of Public Convenience and Necessity.

-----X

COMMENTS OF THE NEW YORK STATE OFFICE OF THE
ATTORNEY GENERAL ON THE DRAFT ENVIRONMENTAL IMPACT
STATEMENT FOR THE ALGONQUIN INCREMENTAL MARKET PROJECT

Intervener New York State Office of the Attorney General (N.Y. Attorney General) respectfully submits these comments concerning the draft environmental impact statement (DEIS) for the Algonquin natural gas pipeline Incremental Market Project (the Algonquin Project). The N.Y. Attorney General is the chief legal officer of the State of New York whose responsibilities include intervention in legal and administrative proceedings to advance the interests of the State, enforce State laws as well as Federal laws such as the National Environmental Policy Act, and protect the public health, environment, and economic interests of New York citizens.

The New York Attorney General moved to intervene in this proceeding to protect the State and its citizens from the Algonquin Project's potential adverse impacts: (i) to water quality in the New York City Watershed, the source of

SA14 – New York State Office of the Attorney General (cont'd)

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drinking water for nine million State residents; (ii) to climate change as a result of increased greenhouse gas emissions; and (iii) to operations of the Indian Point nuclear facilities and systems which could impair public safety. *See* N.Y. Attorney General Motion to Intervene, FERC Docket CP14-96-000 (April 8, 2014) (hereby incorporated by reference).

SA14-1 Upon review of the DEIS, several issues of concern remain. The Algonquin Project's plans for preventing stormwater pollution are deficient in significant respects and need to be modified to mitigate the potential for adverse impacts to water quality. In addition, the Algonquin Project needs to employ specific cost effective technologies and practices to mitigate carbon dioxide and methane emissions that contribute to climate change. Also, fifty years ago, the federal SA14-2 government authorized the construction of the Algonquin pipeline and the Indian SA14-3 Point nuclear facility in close proximity to one another. The government's current DEIS is vague, incomplete, and deficient concerning the interaction of the project, the existing pipeline, and their alternatives with the nuclear facilities' systems, structures, and operations.

REGULATORY FRAMEWORK

The National Environmental Policy Act, 42 U.S.C. §§ 4321-37, requires all federal agencies to examine environmental impacts that could be caused by their discretionary actions. As a federal agency, the FERC must comply with NEPA. *Calvert Cliffs Coordinating Comm. v. U.S. Atomic Energy Commission*, 449 F.2d

- SA14-1 Algonquin will be revising the Stormwater Pollution Prevention Plan (SWPPP), which would then be formally filed with the NYSDEC, NYCDEP, and New York State Attorney General. Some of the details mentioned in this letter would not be known until later in the Project process, and, therefore would not be identified in the SWPPP at this time.
- SA14-2 See the response to comment FA4-23.
- SA14-3 We disagree. See the response to comment FA4-25.

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1109 (D.C. Cir. 1971); 18 C.F.R. Part 380. As made clear in the regulations promulgated by the President's Council on Environmental Quality ("CEQ"), NEPA was designed to "provide a full and fair discussion of significant environmental impacts and shall inform decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment." 40 C.F.R. § 1502.1. NEPA directs all federal agencies, "to the fullest extent possible" to comply with this policy and, *inter alia*, to use a systematic and interdisciplinary approach in considering environmental issues, and, before taking any major Federal action significantly affecting the quality of the human environment, to generate a detailed environmental impact statement. 42 U.S.C. § 4332(2)(A), (C) and (E). NEPA also requires a comparative analysis of the environmental consequences of the alternatives before the agency. 42 U.S.C. § 4332(2)(C)(iii); 40 C.F.R. § 1502.14(d).

The EIS is intended to guarantee that the relevant information regarding the costs and benefits of federal action and its alternatives will be made available to the larger audience that may also play a role in both the decision-making process and the implementation of that decision. *Center for Biological Diversity v. U.S. Dept. of Interior*, 623 F.3d 633 (9th Cir. 2010) (citing *Dept of Transp. v. Pub. Citizen*, 541 U.S. 752, 768 (2004)). Publication of an EIS, both in draft and final form, also serves a larger informational role. It gives the public the assurance that the agency has indeed considered environmental concerns in its decision making process, and,

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perhaps more significantly, provides a springboard for public comment. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 348-349 (1989). NEPA requires federal agencies to stop and objectively identify the environmental effects of their discretionary actions and consider alternative means to mitigate those effects – before approving or undertaking any major action that may affect the environment.

CEQ has promulgated regulations pursuant to NEPA (40 C.F.R. Parts 1500-1508) as has FERC (18 C.F.R. Part 380). Although FERC allows applicants to prepare an initial draft of the environmental review documents, the duty to comply with NEPA rests with the federal agency itself.

THE ALGONQUIN PROJECT

Algonquin has applied for approval of the project pursuant to sections 7(b) and 7(c) of the Natural Gas Act. The Algonquin Project would (i) construct, install, operate, and maintain approximately 37.6 miles of take-up and relay, loop, and lateral pipeline facilities, and appurtenances in New York, Connecticut, and Massachusetts; (ii) modify six existing compressor stations in New York, Connecticut, and Rhode Island, resulting in the addition of 81,620 horsepower (HP) of compression; (iii) modify 24 existing metering and regulating (M&R) stations and construct three new M&R stations; (iv) abandon certain existing facilities; and (v) approve certain rates. The Algonquin Project seeks to facilitate the transportation of large amounts of natural gas from the Southeast and Midwest to New England.

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The project's activities in New York State include take up and relay of more than 15 miles of pipeline, a new 1.2 mile crossing under the Hudson River, upgrade of two compressor stations, and upgrade of two metering and regulating stations. Much of these activities would occur within the East of Hudson portion of the New York City Watershed.

JUNE 4, 2014 MEETING WITH ALGONQUIN

The N.Y. Attorney General and its consultant met with Algonquin's representatives and technical consultants about the project on June 4, 2014, and expressed its concerns about the project's potential adverse environmental impacts relating to the New York City Watershed, methane emissions, and the Indian Point nuclear facilities. The N.Y. Attorney General's consultant on stormwater pollution issues, Donald Lake, P.E., reviewed Algonquin's prior submittals to FERC, including the project's Erosion and Sedimentation Control Plan, dated October 8, 2013, and provided a list of seven preliminary issues of concern at the meeting. Additional documents were subsequently reviewed by the N.Y. Attorney General, including the DEIS, the Stormwater Pollution Prevention Plan (SWPPP) for the project (other than the Southeast Compressor station), dated August 2014, and the SWPPP for the Southeast Compressor station, dated August 2014. Algonquin made the SWPPPs available for review on September 2, 2014. The SWPPPs addressed some, but not all, of the preliminary issues raised by Mr. Lake at the June meeting.

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At the meeting, Algonquin informally shared its plans to mitigate the project's direct, fugitive, and vented methane emissions using best practices. However, these plans have not been incorporated into the DEIS. Algonquin also confirmed that the preferred route for the Hudson River crossing and east-of-Hudson connection would be further away from the Indian Point Unit 3 nuclear reactor and spent fuel pool than the existing river crossing and connection.

STORMWATER POLLUTION AND THE NEW YORK CITY WATERSHED

SA14-4 As discussed below and in the Technical Appendix Concerning Stormwater Pollution, Algonquin's plans for addressing stormwater pollution are deficient in significant respects and need to be revised to mitigate the likelihood of adverse water quality impacts in the New York City Watershed.

The proposed Algonquin Project includes 2.3 miles of new pipeline and a new compressor station to be located within the Croton System in the East of Hudson portion of the New York City Watershed. Stormwater runoff from these portions of the project will drain to the East Branch and New Croton Reservoirs within the Croton system. The Croton System can supply as much as thirty percent of the water relied on by New York City and other communities each day. *Friends of Van Cortlandt Park v. City of N.Y.*, 95 N.Y. 623, 626 (2001).

The East Branch and New Croton reservoirs, like other reservoirs within the Croton System, are "eutrophic," having excessive algae growth in the growing season because of discharges of the pollutant phosphorus into these reservoirs.

SA14-4 See the response to comment SA14-1.

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Excessive algae growth impairs the taste and odor of reservoir water and depletes levels of dissolved oxygen in the reservoir's bottom waters, impairing aquatic life and releasing metals into the water.¹ Eutrophic conditions also result in increased levels of organic carbon in the water.²

As a result of phosphorus pollution, these reservoirs fail to comply with water quality guidelines and standards established by the New York State Department of Environmental Conservation (DEC) pursuant to State law and the federal Clean Water Act, 33 U.S.C. § 1251 *et seq.* The watershed of the East Branch and New Croton reservoirs are "phosphorus restricted basins" because phosphorus concentrations exceed DEC guidelines. *See* 10 NYCRR §§ 128-1.6(a)(80), 4.1(c)). The sources of the phosphorus pollution include upstream wastewater treatment plants and other point sources (including stormwater runoff discharged from municipal storm sewer pipes) and non-channelized stormwater runoff.

The construction and development of land is a major source of phosphorus and other pollutants, which discharge into the reservoirs in stormwater runoff. "Stormwater pollution is one of the most significant sources of water pollution in the nation." *Environmental Def. Ctr., Inc. v. EPA*, 344 F.3d 832, 840 (9th Cir. 2003). According to EPA, "[u]ncontrolled storm water discharges from areas of urban development and construction activity negatively impact receiving waters by

¹ *Watershed Management for Potable Water Supply: Assessing the New York City Strategy*, National Research Council, at 106-07 (2000) (hereinafter NRC Study).

² *See* NRC Study, *supra*, at 2.

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changing the physical, biological, and chemical composition of the water, resulting in an unhealthy environment for aquatic organisms, wildlife and humans," and can "severely compromise" water quality.³

Discharges of stormwater from construction sites include sediment, a pollutant which also serves as a carrier of other pollutants, such as nutrients (including phosphorus), metals, organic compounds, and pathogens. "It is generally acknowledged that erosion rates from construction sites are much greater than from almost any other land use."⁴ Sediment loads in stormwater discharges from construction sites are typically 1,000 to 2,000 times the sediment loads in discharges from undeveloped forested land.⁵

Post-construction stormwater discharges from developed areas are also a major source of pollution to the waters of the United States. "Urbanization alters the natural infiltration capability of the land and generates a host of pollutants . . . thus causing an increase in storm water runoff volumes and pollutant loadings."⁶ Land development "can result in both short- and long-term adverse impacts to water quality in lakes, rivers and streams within the affected watershed by

³ "National Pollutant Discharge Elimination System – Regulations for Revision of the Water Pollution Control Program Addressing Stormwater Discharges; Final Rule," 64 Fed. Reg. 68722, 68724, 68728. (Dec. 8, 1999) (hereinafter, 1999 Preamble & Rule).

⁴ *Id.*

⁵ EPA, "Storm Water Phase II Final Rule: Small Construction Program Overview (Fact Sheet 3.0)," EPA 833-F-00-013 (Jan. 2000), available at <http://www.epa.gov/npdcs/pubs/fact3-0.pdf>.

⁶ 1999 Preamble & Rule, 64 Fed. Reg. at 68725.

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increasing the load of various pollutants in receiving water bodies, including sediments, metals, organic compounds, pathogens, and nutrients.”⁷ EPA has determined that urban runoff and storm sewer discharges were the second leading source of water quality impairment in estuaries and the third leading source of such impairment in lakes, ponds and reservoirs.⁸

Stormwater pollution to the East Branch and New Croton reservoirs is also of great concern because it carries pathogens. The watersheds for these reservoirs lie within the “60 day travel time” to consumers of New York City water . Discharges within this geographic area raise heightened concerns because 60 days is generally viewed as the life span for many disease-causing microbes in fresh water. The pathogens of central concern in the Watershed are *Cryptosporidium* oocysts and *Giardia* cysts. These microbes can cause severe intestinal distress and can be deadly for persons with compromised immune systems. These pathogens are highly resistant to destruction by chlorination, the disinfectant relied on to treat Croton System water.

SA14-5 The Algonquin Project's plans for preventing stormwater pollution of the East Branch and New Croton Reservoirs are inadequate. As discussed in detail in the Technical Appendix Concerning Stormwater Pollution, the SWPPPs developed

⁷ EPA, Draft Proposed Rule for Effluent Limitations Guidelines and New Source Performance Standards for the Construction and Development Category, Docket No. 01644, at 49-50, February 12, 2002.

⁸ EPA, “National Water Quality Inventory: 2000 Report at 22 & 30,” EPA-841-R-02-001 (Aug. 2002), available at <http://www.epa.gov/305b/2000report/chp3.pdf> & <http://www.epa.gov/305b/2000report/chp4.pdf>.

SA14-5 See the response to comment SA14-1.

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by Algonquin's consultants contain numerous deficiencies and internal contradictions. For example, details for stormwater management practices are absent and applicable infiltration basin design requirements are not satisfied. No soil testing has been performed to justify the use of infiltration treatment practices, inconsistent infiltration rates are employed, and the time of concentration for individual drainage areas has not been calculated. These and other deficiencies mean that the project cannot be expected to prevent stormwater pollution as required by DEC's General Permit for Stormwater Discharges from Construction Activities.

Accordingly, unless these deficiencies are corrected in accordance with the detailed comments set forth in the Technical Appendix (accompanying this submission), the Algonquin Project will exacerbate existing water quality problems in the East Branch and New Croton Reservoirs. More phosphorus, metals, and other pollutants – possibly including pathogens -- will discharge into these waterbodies, contributing to the impairment of these vital drinking water supplies.

GREENHOUSE GAS EMISSIONS INCLUDING METHANE

Climate change is a reality and is occurring now primarily due to human-induced emissions of greenhouse gases (or GHGs).⁹ The rate and magnitude of how climate continues to change will be greatly influenced by the amount of greenhouse gases emitted to the atmosphere. President Obama's Climate Action Plan calls on

⁹ United States Third National Climate Assessment, 2014.

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the nation to reduce our greenhouse gas emissions by 17% below 2005 levels by year 2020.¹⁰

The Algonquin Project will use and transport natural gas, which is primarily composed of methane. Methane is a potent greenhouse gas that comprises nearly nine percent of total U.S. GHG emissions.¹¹ In 2012, over 22% of U.S. methane emissions were from the natural gas industry, with the transmission and storage sector accounting for the largest percentage (34%) of these emissions.¹² With a global warming potential at least 25 times greater than that of carbon dioxide,¹³ methane emissions play an important role in driving climate change. The federal government's Climate Action Plan Strategy to Reduce Methane Emissions concludes methane reduction steps will be necessary to help meet the

SA14-6 Administration's goal of reducing U.S. GHG emissions in the range of 17% below 2005 levels by 2020.¹⁴ Reductions of GHG emissions to such levels are needed to lessen the likelihood of the most severe effects of climate change. Thus, FERC must take a "hard look" at direct emission of methane, carbon dioxide emissions resulting

¹⁰ The President's Climate Action Plan, June 2013, *available at* www.whitehouse.gov/energy/climate-change. New York State seeks to reduce greenhouse gas emissions by 80 percent below 1990 levels by 2050.

¹¹ Climate Action Plan: Strategy to Reduce Methane Emissions, March 2014, *available at* www.whitehouse.gov/blog/2014/03/28/strategy-cut-methane-emissions.

¹² *Id.*

¹³ 40 C.F.R. Part 98, Table A-1 to Subpart A.

¹⁴ Climate Action Plan: Strategy to Reduce Methane Emissions, March 2014.

SA14-6 See the response to comment FA4-23.

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SA14-6
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from compressors stations and other GHG emissions associated with the Project and consider mitigation options.

Algonquin Project Greenhouse Gas Emissions

The Algonquin Project will be a large source of greenhouse gas emissions, resulting in the generation of a maximum of 1,030,133 tons CO₂e per year (934,521 metric tons). The DEIS concludes "Although the GHG emissions appear large, the emissions are very small (0.4) in comparison to the 2000 inventory of GHG emissions in the New England region of the United States of 224.01 metric tons of CO₂e (NESCAUM, 2004)."¹⁶ FERC's DEIS is deficient in that it provides no analysis of greenhouse gas mitigation options and proposes no greenhouse gas mitigation measures.

Significance of the Project's Greenhouse Gas Emissions Relative to Northeast U.S. Emissions

SA14-7

The DEIS's evaluation of the Algonquin Project's GHG emissions relative to Northeast U.S. GHG emissions in order to create the perception that these emissions are "very small" is misplaced. The vast array of individual GHG emission sources across the Northeast U.S. economy precludes using relative percentages for individual projects to determine significance. Such an approach would impermissibly allow a reviewing agency to find nearly all potential GHG emission sources insignificant and is contrary to 40 C.F.R. § 1508.7. *See Center for Biodiversity v. Nat'l Highway Traffic Safety Admin.*, 538 F.3d 1172, 1217 (9th Cir.

¹⁶ DEIS p. 4-236.

SA14-7 See the response to comment FA4-23. Section 4.13.7 of the EIS has been updated to discuss potential cumulative impacts associated with GHG emissions, as well as proposed mitigation measures.

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SA14-7
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2008)(agency rules or actions might have an "individually minor" effect on the environment, but are "collectively significant actions taking place over a period of time").

The DEIS uses an incorrect yardstick to measure significance. Instead, of dismissing the project's GHG emissions as "very small," NEPA requires FERC to identify, analyze, and develop mitigation alternatives for such cumulative impacts, which are defined as:

the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

40 C.F.R. § 1508.7. Indeed, FERC is currently reviewing applications for the construction and operation of several interstate natural gas pipelines and associated compressor stations that involve significant cumulative impacts in the context of greenhouse gases.. *See, e.g.*, Constitution Pipeline (New York), Tennessee Gas Pipeline (New York), UTOPIA Gas Pipeline (Ohio to Michigan). The Algonquin Project, the existing Algonquin Pipeline, and other gas pipelines share a common objective: to facilitate the transportation of natural gas to market. Given the common objective across these projects, the FERC must identify, analyze, and develop mitigation alternatives for the greenhouse gas emissions.

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SA14-8

Failure to Evaluate the Project's Greenhouse Gas Mitigation Options

The DEIS's omission of any consideration of mitigation options for methane and other GHG emissions from the Algonquin Project compressor stations, pipeline, and metering and regulating stations (M&R stations) is a material deficiency, and is inconsistent with the Commission's recent approach to mitigation, even in a case where "significant" GHG impact is unlikely. In the *Sabine Pass* proceeding, FERC performed an environmental assessment for a proposal to construct and operate a natural gas liquefaction and export facility in Cameron Parish, Louisiana. There, FERC examined, among other things, GHG emissions associated with the new facility. *Sabine Pass*, Environmental Assessment, § 2.7. Although FERC determined that the GHG emissions of the Sabine Pass project did not rise to the level of "significance" warranting a full EIS, it nonetheless identified and required the applicant to comply with mitigation measures to reduce GHG emissions, including the selection of turbines which have a better thermal efficiency and reduced CO₂ emissions. *See Sabine Pass*, 140 FERC ¶ 61,076 at 9-10. The *Sabine Pass* decision demonstrates the ability to mitigate carbon dioxide and methane emissions and should inform the regulatory and decisional process for the Project.

The National Gas Act and NEPA require FERC to acknowledge the potential impacts and to identify alternatives to mitigate such impacts. Clearly, it is within FERC's broad authority to require the applicant to implement mitigation practices.

SA14-8

See the responses to comments FA4-23 and SA14-7. We also note that the Commission did not require Sabine Pass to utilize or comply with the selection of turbines with a better thermal efficiency and reduced carbon dioxide (CO₂) emissions. During the state's air permit review process, Sabine Pass was required to consider the BACT for reducing CO₂ emissions. The Sabine Pass facility design already included the selection of turbines with a better thermal efficiency. Enforcement with this mitigation is through the air permitting authority. The environmental assessment for Sabine Pass identified the applicable mitigation technology that was proposed to be implemented. The Stony Point Compressor Station would similarly be subject to PSD air permitting and BACT review by the air permitting authority, including consideration of turbines with a better thermal efficiency.

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SA14-8
(conf'd)

The DEIS should identify and consider a variety of mitigation options for the entire extent of the project. Compressor stations should consider use of appropriately-sized, high efficiency gas turbines and low-leak equipment, such as centrifugal compressors with dry seals as discussed in a recent EPA Whitepaper.¹⁶ To minimize emissions from the pipelines, the U.S. Environmental Protection Agency (USEPA) Natural Gas STAR program identifies a number of cost-effective methane reduction technologies and practices for the natural gas industry, with estimated payback values.¹⁷ Similarly, a recent report by ICF International on the economic analysis of methane emission reduction opportunities in the U.S. oil and gas industry identifies a range of cost-effective technologies and practices to mitigate methane releases, including emissions from blowdowns and other pipeline venting practices, and compressor station upgrades.¹⁸ Given these deficiencies, FERC should revise and supplement its draft EIS and take a hard look at such mitigation options and alternatives. Based upon that review and analysis, FERC should then require the project to implement cost effective greenhouse gas reduction technologies and practices.

¹⁶ EPA Whitepaper, Oil and Natural Gas Sector Compressors, April 2014 *available at* www.epa.gov/airquality/oilandgas/whitepapers.html

¹⁷ See <http://www.epa.gov/gasstar/tools/recommended.html>.

¹⁸ ICF International, March 2014, Economic Analysis of Methane Emission Reduction Opportunities in the U.S. Onshore Oil and Natural Gas Industries.

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ENVIRONMENTAL IMPACTS AND INTERACTIONS BETWEEN INDIAN POINT FACILITIES AND ALGONQUIN PIPELINES

The federal government has authorized the construction and operation of large interstate gas pipelines and nuclear power facilities in the same area of the Village of Buchanan.

Background

In 1951, the federal government authorized the Algonquin Gas Transmission Corporation to construct and operate an interstate pipeline from New Jersey to Massachusetts designed to convey natural gas to New England.¹⁹ As authorized by the Federal Power Commission, the Algonquin pipe line route traverses southern New York State, crosses the Hudson River at river mile 43 between the Town of Stony Point and the Village of Buchanan, bisects the former Indian Point amusement park site in Buchanan, and continues on to the Towns of Cortlandt and Southeast, before heading into Connecticut.²⁰

Soon after the passage of the Atomic Energy Act of 1954, the federal government authorized the Consolidated Edison Company to construct one of the first nuclear power reactors in the Nation on the east bank of the Hudson River at river mile 43 in the Village of Buchanan at the Indian Point park site.²¹ At that

¹⁹ *In re United Gas Pipe Line Co., Texas Eastern Transmission Corp., and Algonquin Gas Transmission Corp.*, 10 F.P.C. 35, 1951 FPC LEXIS 3 at * 72-74 (March 27, 1951).

²⁰ The Algonquin pipeline's Hudson River crossing includes three separate pipes: two 24-inch-diameter pipelines and one 30-inch-diameter pipeline. FERC DEIS at 3-18.

²¹ 21 Fed. Reg. 3,085 (May 9, 1956) (Indian Point Unit 1).

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time, the federal government did not have siting regulations or restrictions for nuclear reactors – to address site-specific issues such as nearby hazards, seismicity, sabotage, and population risks. One site-specific factor at Indian Point is the three Algonquin gas pipelines, which cross the Hudson River near the nuclear reactor and continue eastward under the site. In the 1960s, the Atomic Energy Commission authorized Con Edison to construct two additional nuclear reactors at the same site, one of which was located even closer to the Algonquin pipelines.²² Although the federal government initially told “host” communities that radioactive spent fuel waste would be promptly removed from reactor sites,²³ the Nuclear Regulatory Commission later authorized the spent fuel pools at Indian Point to store five times more spent nuclear fuel than they were designed for.²⁴ Today, the two spent fuel pools there each hold almost four decades worth of spent fuel.

²² 31 Fed. Reg. 13,616-17 (Oct. 21, 1966) (Indian Point Unit 2); 34 Fed. Reg. 13,437 (Aug. 20, 1969) (Indian Point Unit 3).

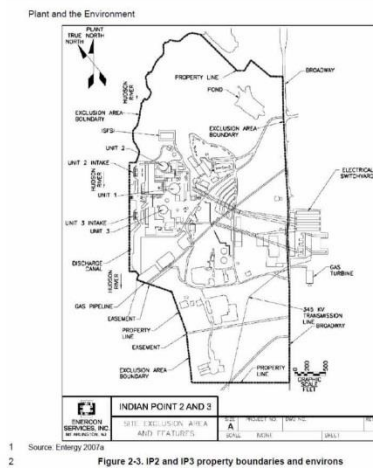
²³ See, e.g., *Vermont Yankee Nuclear Power Station Final Environmental Impact Statement*, U.S. Atomic Energy Commission, at 93-94, ML061880207 (July 1972) (irradiated fuel elements will be shipped after minimum 90-day cooling period); *Prairie Island Final Environmental Statement*, U.S. Atomic Energy Commission, at 192, ML081840311 (May 1973) (spent nuclear fuel elements will be shipped to Nuclear Fuel Services Preprocessing Plant at West Valley, NY); *Final Environmental Statement for Indian Point, Unit 2*, Volume I, U.S. Atomic Energy Commission, at 257, 258, 298, ML072390276 (Sept. 1972) (approximately 35 truckloads of irradiated fuel per year will be transported to Midwest Fuel Recovery Plant in Morris, IL); *Final Environmental Statement for Indian Point, Unit 3*, Volume I, U.S. Nuclear Regulatory Commission, NUREG-75/002, at 412, ML072390284 (Feb. 1975) (irradiated fuel could be transported to the Allied-Gulf Nuclear Services Plant in Barnwell, SC); see also Blue Ribbon Commission on America's Nuclear Future, Transportation and Storage Committee, Draft Report to the Full Commission, at 2 (“*Storage Committee Report*”) (May 31, 2011) (“These pools were not intended or designed for permanent storage; the assumption was that spent fuel assemblies would spend a few years immersed in the pools before being transferred out for reprocessing or final disposition.”).

²⁴ See Consolidated Edison, Final Design Report for Reracking the Indian Point Unit No. 2 Spent Fuel Pool, at 1, ML100200292 (May 1980); Consolidated Edison, Supplemental Spent Fuel

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This diagram depicts the relative location of the Algonquin pipeline within the Indian Point site.



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2-6

December 2010

Safety Analysis, at 3-1, ML100350310 (Nov. 1985); and Consolidated Edison, Indian Point Unit 2 Spent Fuel Pool Increased Storage Capacity Licensing Report, at 1-2, ML100200114 (June 1989) and USAEC, Safety Evaluation Report by the Directorate of Licensing U.S. AEC in the Matter of Consolidated Edison Co. of New York, Inc. Indian Point Nuclear Generating Unit No. 3, at 4-1, 9-2, ML072260465 (Sept. 21, 1973); USNRC, Indian Point, Unit 3, Amendment 13, Authorizing Modifications to the Spent Fuel Pool, Increasing Capacity from 264 to 840 Fuel Assemblies, attached to Letter from A. Schwencer, NRC to New York State Power Authority, ML003778668 (Mar. 22, 1978); and USNRC, Indian Point, Unit 3, Amendment 90, Allowing for the Expansion of the Spent Fuel Pool Storage Capacity, attached to Letter from Joseph Neighbors, NRC to New York Power Authority, ML003778816 (Oct. 12, 1989).

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Need for Precise Terminology and Removal of Vague Terms

SA14-9

The DEIS uses vague and imprecise terms to discuss the diverse operations, systems, and structures at the Indian Point site. Such imprecise terminology makes it difficult for the public and decision makers to understand the EIS and frustrates NEPA's objectives. For example, the DEIS refers to a collection of power generation, radioactive waste storage, and transmission facilities located in the Village of Buchanan as the "Indian Point Energy Center" or "IPEC." *See, e.g.*, xv, 4-154 – 4-155. However, there is no such federally-licensed entity as the "Indian Point Energy Center." Under the licensing provisions of the federal Atomic Energy Act, the federal government officially refers to the various facilities by the names that appear on their operating licenses and dockets, *i.e.*, Indian Point Unit 1 (AEC Docket 50-003), Indian Point Unit 2 (AEC Docket 50-247, DPR-26), Indian Point Unit 3 (NRC Docket 50-286), and Indian Point Entergy Nuclear Operations, Inc. (NRC Docket 72-051(dry cask spent fuel storage facility)).²⁵ In addition, the DEIS refers to "power plant structures" (4-154) and "generating facilities" (ES-8), but these terms are also vague and imprecise. In addition, to three nuclear power reactors, the site contains office buildings, security structures for certain threats (10 C.F.R. Part 73), turbine buildings, buried pipes, as well electrical transmission

²⁵ *See generally* NRC Information Digest 2014-2015, NUREG-1350 (Volume 26), Appendices A, C, P (Aug. 2014) ML14240A480.

SA14-9 We disagree. The use of "Indian Point Energy Center" or IPEC is consistent with how Entergy, the operator of the facility, has referred to the site in its correspondence with FERC. We have also confirmed with the NRC that use of this terminology is correct and appropriate for the purposes of the analysis in the EIS.

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SA14-9
(cont'd) | lines and towers that link the facilities to the Buchanan substation and vice versa.²⁶

The OAG requests that FERC revise the DEIS to reflect the reality of the specific infrastructure and improvements on the Indian Point site. Accordingly, the DEIS should use the term "Indian Point site," "Indian Point property," or use the precise terms of the specific system, structure, operation, or licensed facility at issue (*e.g.*, Indian Point Unit 3 spent fuel pool) to assist the public to better understand the interactions between the pipeline, the project, and their potential alternatives, and the diverse operations, systems, and structures related to nuclear energy and radioactive waste storage at the Indian Point site.

Closed-Cycle Cooling Facilities

SA14-10 | As a result of the NEPA process, the DEIS states that FERC, Algonquin, and Entergy (the operator of the Indian Point facilities) have determined that "the proposed southern route for the AIM pipeline would not interfere with plans to construct closed-cycle cooling towers." 4-155. This statement and finding should also be included in the Final EIS.

Site Hazards Analysis and Environmental Impacts

SA14-11 | The DEIS states that "Algonquin is engaged in ongoing consultations with [Entergy]" regarding the impact of the proposed Algonquin Project on the safety and

²⁶ This Office's motion to intervene provided FERC with a description of various infrastructure improvements on the Indian Point site – including buried piping. See New York State Office of the Attorney General Motion to Intervene, at ¶ 6 (April 8, 2014). The Algonquin pipeline traverses the Indian Point site and comes in close proximity to the buried piping systems for the Indian Point facilities. The interaction of different piping systems can contribute to age-related degradation and corrosion of the piping systems. Transcript of Indian Point Evidentiary Hearing ("Tr.") at 3708-13, 3715 (Dec. 11, 2012).

SA14-10 | Comment noted. This statement has been retained in the final EIS.

SA14-11 | See the response to comment FA4-25. The hazards analysis most recently conducted was for any new safety hazards associated with the proposed AIM Project pipeline. The existing pipelines have already been reviewed and studied on multiple occasions, including as recently as 2008. See Review of Natural Gas Hazards, Indian Point Nuclear Generating Units NOS. 2 and 3 (TAC NOS. MB8090 and MB8091) dated April 25, 2003, as well as NRC's response to Mr. Paul Blanch dated April 12, 2010 (available online from NRC's electronic ADAMS database, Accession No. ML101020487). Therefore, the focus on any new potential safety issues associated with the proposed route is appropriate. The alternative northern route was determined to be technically infeasible and not preferable to the proposed southern route. We disagree with requesting Entergy to perform a detailed hazards analysis on an alternate route that has already been dismissed and the proposed route poses no additional risk.

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SA14-11
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security of the various Indian Point facilities. Presumably, such consultations should and will involve the Nuclear Regulatory Commission. The N.Y. Attorney General understands that Entergy is undertaking a site hazards impact analysis concerning the pre-existing Algonquin pipeline and the proposed (southern) AIM pipeline, and the alternative (northern) AIM pipeline. ES-8. Until that site hazards analysis is completed and reviewed by NRC, the N.Y. Attorney General is unable to comment on the integrity of that assessment – and requests and reserves the opportunity to do so before the completion of the EIS and NEPA process. Also, in light of this pending analysis and review, NRC should consult with FERC and the EPA regional offices before the federal government completes the NEPA process.

Based on the wording of FERC's DEIS, it appears that site hazards analysis will focus on "*new* safety hazards" to Indian Point posed by the "proposed route." ES-8 (emphasis added). The implication is that the site hazards analysis and the NEPA analysis will only examine the preferred southern route and will not consider any hazards impacts posed by the alternative northern route. In addition, the statement implies that the site hazards analysis and the NEPA analysis will not take a hard look at the cumulative impacts and risks posed by the existing Algonquin pipeline, the alternative northern route, and the proposed southern route. The N.Y. Attorney General respectfully submits that excluding the

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SA14-11
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consideration of such hazards and impacts from cumulative and alternative impact analyses is inconsistent with NEPA and its implementing regulations.

Separate and apart from these concerns, the DEIS implies that the site hazard analysis is limited to the Indian Point "generating facilities" *i.e.*, the operating power reactors within Indian Point Unit 2 and Indian Point Unit 3. ES-8. FERC and other agencies should also examine the impact of the Algonquin pipeline, the alternative northern AIM route, and the proposed southern AIM route on the spent fuel pools, the turbine buildings, the piping systems, access and evacuation routes, the security area and security force, and the transmission lines that convey electrical power into and out of the Indian Point facilities. Although the Indian Point spent fuel pools do not generate electricity for the power grid, each contains almost 40-years-worth of densely-packed spent nuclear fuel. Both of these densely-packed operating spent fuel pools are located *outside* of the concrete domes around the generating power reactors. Given that the federal government authorized the interstate gas pipeline and nuclear power facilities to operate side-by-side in the Village of Buchanan, FERC should undertake a severe accident mitigation alternatives analysis to identify measures to mitigate the environmental impacts posed by their close proximity to one another. *See* 10 C.F.R. § 51.53(e)(3)(ii)(L); *Limerick Ecology Action, Inc. v. NRC*, (3d Cir. 1989) (holding that NEPA required NRC to conduct a severe accident mitigation alternatives analysis when issuing a license).

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Alternatives Analysis

The potential for interaction between nuclear power reactors, radioactive waste storage facilities, physical security systems, and electrical power lines on the one hand and large-diameter natural gas pipelines on the other is the unfortunate

SA14-12 result of previous federal siting decisions. One alternative that could mitigate the potential hazardous interactions between the Indian Point facilities and the Algonquin pipelines is the re-routing of the three existing Algonquin pipelines to the proposed southern route for the AIM pipeline. This alternative would move the pipelines away from the Indian Point reactors, spent fuel storage facilities, buried and underground pipes, security area/ structures, and electrical power lines – and would also remove any argument that the existing gas lines impede the construction of closed-cycle cooling systems for Indian Point Unit 3. See 3-20, Figure 3.5.1-1. Such an alternative should also avoid schools, hospitals, and community centers, as well as fire, emergency services, and police stations.

The EIS should contain a comparison of each of these pipeline alternatives focusing on how close they each approach the various Indian Point structures and systems. Only through such a direct comparison can the public and the agency decision makers weigh the direct effects, the indirect effects, the alternatives, and the potential mitigation measures. 40 C.F.R. §§ 1502.14, 1502.16. At present, the DEIS contains an incomplete and artificially narrow discussion of the relationship

SA14-12 Section 4.12.3 of the EIS includes additional discussion about the proximity and risk of the proposed pipeline to the IPEC nuclear facilities. See also the response to comment FA4-25. We did not consider the relocation of all of the existing pipelines an alternative to the proposed pipeline. The relocation of these existing pipelines would be an independent action to the AIM Project and, therefore, is beyond the scope of the EIS. Moreover, any relocation of the existing pipelines would increase the impacts on the Project area.

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(cont'd) of only the proposed southern pipeline and its relationship to undefined "power plant structures" (4-154) or "generating facilities" (ES-8).

CONCLUSION

SA14-13 In conclusion, the N.Y. Attorney General requests that FERC address in the FEIS the serious deficiencies in the DEIS identified above to mitigate the risks of adverse impacts posed by the Project to the New York City Watershed, climate change, and public safety and the environment given the interaction of the Algonquin pipeline and the Algonquin Project with the Indian Point nuclear facilities.

Respectfully submitted,

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SA14-13 See the responses to comments FA4-1 and FA4-25.

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TECHNICAL APPENDIX CONCERNING

STORMWATER POLLUTION

By Donald Lake, P.E.

Introduction

The following documents were reviewed:

1. 01-Volume ii-A Resource Reports dated April 2014
2. Algonquin Incremental Market (AIM) Project New York Storm Water Pollution Prevention Plan (SWPPP), dated August 2014, prepared by TRC Environmental Corporation; Sections 1-7.
3. Appendix C of the AIM Project NY SWPPP entitled "Erosion and Sediment Control Plan and Spill Prevention Control and Countermeasure Plan" dated August 2014.
4. Part of Appendix E (that corresponds to the NYC Watershed) of the AIM Project NY SWPPP, Construction Drawings S7-E-8002 through S7-E-8010, Rev. B, dated 6/30/14, prepared by Spectra Energy Partners, detailing plan views and profiles of the AIM project, with profiles that locate site specific erosion and sediment control practices along the pipeline route within the New York City Watershed.
5. Part of Appendix F (that corresponds to the NYC Watershed) of the AIM Project NY SWPPP entitled "The Stormwater Pollution Prevention Plan for the Southeast Station", Putnam County, dated August 2014, by Michael Baker, White Plains, New York.
6. A seven sheet set of Construction Drawings titled, "Southeast Compressor Station, Stormwater Pollution Prevention Plan". One sheet, the topographic survey of existing site conditions, prepared by LRC Consultants, is dated 1/15/14. The remaining six sheets, prepared by Michael Baker, are neither dated nor numbered but are referenced on the cover sheet.
7. AIM Erosion and Sedimentation Control Plan dated October 8, 2013, prepared by Environmental Construction Permitting.

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Technical Comments

- SA14-14
1. No more than 5 acres of soil can be disturbed during normal construction activities and for linear projects tributary to AA or AA-s waters no more than 2 acres of disturbance are allowed on slopes greater than 25%, without receiving written authorization from the New York State Department of Environmental Conservation as required in the General Permit GP-0-10-00, Part I.D.7.b and Part II.C.3. The documentation reviewed did not define the specific incremental phases of the project. An example of what we are seeking is: "Phase 1 will be from Station 2+00 extending 500 feet to Station 7+00", so that a determination can be made on how much soil would be exposed at one time.
 2. Information concerning interceptor dikes (section 6.1), qualified inspectors (section 6.1) and stabilization criteria (section 6.3.4) presented in the main body of the AIM Project NY SWPPP, dated August 2014, excluding Appendix C, is correct. Appendix C of the AIM Project NY SWPPP entitled "Erosion and Sedimentation Control Plan" contradicts this information. The following sections of Appendix C need to be revised to agree with the information presented in the main body of the AIM Project NY SWPPP: section 3.6.1.1 and Figure 12 (ES-0012) for the interceptor dikes, section
- SA14-15

SA14-14 Algonquin would sequence construction activities to minimize the amount and duration of an open right-of-way. Algonquin would use a separate construction crew to work in the 2.3-mile-long portion within the watershed. Algonquin has also committed to an environmental inspection program involving a full-time monitor and reporting of construction activities. Section 4.3.2.1 of the EIS has been updated to include this information. Algonquin would also comply with the permit requirements issued by the NYSDEC and NYCDEP, as applicable. See also the response to comment SA4-16.

SA14-15 See the response to comment SA14-1.

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SA14-15
(cont'd)

2.0 for the qualified inspector, and section 8.1.3 for the stabilization criteria.

SA14-16

In addition, Appendix F of the AIM Project NY SWPPP titled "The Stormwater Pollution Prevention Plan for the Southeast Station", Putnam County, and dated August 2014 also contradicts the information provided in the main body of the AIM Project NY SWPPP. The following sections of Appendix F need to be revised to agree with the information presented in the main body of the AIM Project NY SWPPP: section 4.5 for the qualified inspector and section 4.3 for the stabilization criteria. In addition, section 5.3.1 of Appendix F needs to reference New York General Permit GP-0-10-001 as the source for site compliance inspections.

SA14-17

3. Appendix F, which is the Southeast Station SWPPP, needs to expand sections 3.6.0 and 4.1.3 to remediate all compacted soils caused by construction activities. Currently, the SWPPP only addresses soil restoration in agricultural areas. The SWPPP should be revised to remediate other areas of compacted soils caused by the project in the NYC Watershed, such as lawns in residential locations.

SA14-18

4. Section 3.6.3.1.a of Appendix C of the AIM Project NY SWPPP concerning mulch needs to be amended to require stabilization of disturbed soil

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SA14-16 See the response to comment SA14-1.

SA14-17 See the response to comment SA14-1.

SA14-18 See the response to comment SA14-1.

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SA14-18
(cont'd)

within 14 days instead of the stated 20 days to meet the requirements of the NY Erosion and Sediment Control Standards (page 2.3, iii, 4) dated August 2005.

SA14-19

5. The erosion and sediment control plan view construction drawing does not identify where the concrete washout facility will be located on site. This omission needs to be addressed. In addition, the washout facility specifications need to be added to the Details-1 sheet of the construction drawings set.

SA14-20

6. Construction drawing, Details-2, contains specific details for a temporary sediment basin, but no basin is shown on the erosion and sediment control plan view. All sediment basin locations need to be shown on the plan.

SA14-21

7. The temporary sediment basin inspection requirements are missing from the construction drawing for Construction Sequence, Inspection and Operation and Maintenance. These must be added.

SA14-22

8. All silt fence shown on the erosion and sediment control plan view that is not installed on a topographic contour line should be removed.

SA14-19 See the response to comment SA14-1.

SA14-20 See the response to comment SA14-1.

SA14-21 See the response to comment SA14-1.

SA14-22 See the response to comment SA14-1.

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SA14-23 | 9. The rock riprap outlet detail shown on construction drawing Details-1, needs to show the specific dimensions required for the two rock outlets illustrated on the erosion and sediment control plan view.

SA14-23 See the response to comment SA14-1.

SA14-24 | 10. An infiltration basin is one of two stormwater management practices selected for use on this project. However, no construction details are presented in the SWPPP nor on the drawings for this use. These specifications must be provided.

SA14-24 See the response to comment SA14-1.

SA14-25 | 11. To determine whether an infiltration practice is feasible, the soil at the bottom elevation of the proposed practice must be tested. There are no such test results in the SWPPP. This omission must be addressed.

SA14-25 See the response to comment SA14-1.

SA14-26 | 12. Two infiltration rates are provided for the basin in the SWPPP documents. In the HydroCAD routings, the infiltration rate for the basin is reported as 2.0 inches per hour. Whereas, the infiltration rate for the basin is reported as 3.88 inches per hour on the Infiltration Basin Worksheet in appendix C. In addition, an infiltration rate of 0.4 inches per hour is reported for the dry swale on page 9 of the HydroCAD routing for the proposed drainage. These infiltration practices are all within the Stockbridge-Rock Complex, as defined by the United States Department of Agriculture – Natural Resources Conservation Service (USDA-NRCS)

SA14-26 See the response to comment SA14-1.

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(cont'd)

soil survey. This survey also classifies this soil as belonging to Hydrologic Soil Group "C". This soil typically has an infiltration rate ranging from 0.06 inches per hour to 0.57 inches per hour (Southeast Station SWPPP, see Appendix D within Appendix F). There appears to be extreme contradictions between the values used to define the infiltration rate for the basin and the USDA-NRCS soil survey. Therefore, site specific infiltration testing must be done to assure the feasibility of the proposed infiltration practice.

SA14-27

13. The infiltration basin shown on the erosion and sediment control plan view does not meet the criteria for an approved infiltration basin (I-2), shown on page 6-33 of the New York State Stormwater Management Design Manual and described on pages 6-35 through 6-40. Lacking are pre-treatment, soil permeability testing, and construction details for elevation and overflow outlets. For example, the basin shown on the erosion and sediment control plan has a 4% bottom grade, which does not comply with the requirement that the surface of an infiltration practice be level to insure even stormwater distribution into the ground. Proper design details must be provided.

SA14-28

14. The proposed construction drawings on sheet Details-1, show a grassed channel that is mislabeled as a "Dry Swale". The criteria for a Dry Swale

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SA14-27 See the response to comment SA14-1.

SA14-28 See the response to comment SA14-1.

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SA14-28
(cont'd)

(O-1) is presented on page 6-60 in the NYS Stormwater Management Design Manual, 2010, and described on pages 6-62 through 6-64. If this vegetated channel is proposed for use as an approved water quality practice in New York, it must be designed in accordance with the required criteria.

SA14-29

15. The hydrologic analysis presented in Appendix G of the AIM Project NY SWPPP Appendix F, entitled "The Stormwater Pollution Prevention Plan for the Southeast Station", Putnam County, dated August 2014 uses outdated TP-40 rainfall values and Soil Conservation Service (SCS) Type 3 rainfall distribution values. Updated hydrologic data from the Northeast Regional Climate Center (NRCC) should be used, along with the corresponding rainfall distributions, for each individual storm (this data can be imported directly into HydroCAD). The NRCC value for the 1 year rainfall event is now 2.8 inches instead of the TP-40 value of 2.7 inches, used in the HydroCAD routings. These analyses should be re-done using the updated NRCC hydrologic data.

SA14-29 See the response to comment SA14-1.

SA14-30

16. The water quality treatment volume (WQv) calculations in Appendix C within Appendix F for the Southeast Station SWPPP are incorrect. The 1 year rainfall values need to be converted to runoff values using the TR-55 Curve Number methods, such as that used in the HydroCAD routing. The

SA14-30 See the response to comment SA14-1.

SA14 – New York State Office of the Attorney General (cont'd)

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SA14-30
(cont'd)

Simple Method formula shown in Chapter 4 of the NYS Stormwater Management Design Manual (2010) is only used for the 90th percentile rainfall values, which are not applicable for projects within the New York City drinking water supply watershed.

SA14-31

17. The WQv calculations and the HydroCAD routing contain a storm labeled “DEP 1 year, 24 hour duration Storm” with a “SCS Type 2” rainfall distribution and value of 3.2 inches. Based on discussions with NYSDEC and NYCDEP staff, this storm does not exist in New York. A WQv rainfall value of 2.8 inches should be used for the WQv calculations.

SA14-31 See the response to comment SA14-1.

SA14-32

18. The time of concentration (T_c) is defined as the time required for a drop of water to travel from the most hydrologically remote point in a subcatchment to the outlet. All T_c values used in the HydroCAD routings are direct entry values of 6 minutes. This means there were no calculations done to support these numbers. These T_c values must be calculated for their respective drainage areas and the HydroCAD model re-run.

SA14-32 See the response to comment SA14-1.


SA14-33

19. A full Quality Assurance/Quality Control review should be performed on all documentation associated with this project to confirm consistency with all statements and technical work.

SA14-33 Comment noted.

SA15 – State of Maine Governor Paul LePage

20140930-0028 FERC PDF (Unofficial) 09/25/2014

 **ASSOCIATED
PUBLIC FILE**

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

Paul R. LePage
GOVERNOR

OFFICE OF
EXTERNAL AFFAIRS

2014 SEP 25 P 6:14

RECEIVED COPY CONFIDENTIAL

September 23, 2014

The Honorable Cheryl A. LaFleur
Chair
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Dear Chairman LaFleur,


SA15-1 New England's severe natural gas capacity constraints are unprecedented and require action now.

On May 7th, 2014, I wrote and requested that you move forward expeditiously in the review of Spectra Energy's Algonquin Incremental Market (AIM) project (Docket #CP14-96-000) and I am again requesting that FERC continue to move forward with the project so that it may be in service by 2016.

SA15-2 Over the last year electricity prices in New England have increased exponentially. In Maine, for a grocery store or a small saw mill this will mean an increase in the electricity supply cost of \$870 per month in September to over \$2,000 per month in January. While I appreciate FERC's consideration of the ISO-New England's winter reliability program for this winter (ER14-2407-000), we must develop a long-term strategy that produces results for these business and households who will experience massive bill spikes. More needs to be done and the time for action is now. As a result, I am asking that FERC consider immediate action to develop a pathway to provide cost-effective and reliable power in New England and consider the following steps:

- 1) **Incremental Expansions.** While the region needs to invest in new infrastructure, we must move forward with rapid, incremental expansions of currently operating facilities. FERC should encourage natural gas facility owners to respond to this crisis now.
- 2) **Fast-track Regulatory Approval.** FERC should examine whether the regulatory approval process can be expedited. FERC should work with Congress to pass H.R. 1900, "The Natural Gas Pipeline Permitting Reform Act," which would ensure that federal agencies provide timely information as FERC considers projects.
- 3) **Natural Gas Storage.** FERC should consider reviewing natural gas storage facilities to determine whether they can be quickly expanded and utilized to mitigate winter peaks.

The scale of this challenge is unprecedented for New England and perhaps the country. FERC must act.

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TTY USERS CALL 711
www.maine.gov

2014-00211

PHONE: (207) 287-3531 (Voice)
FAX: (207) 287-1034

SA15-1 Comment noted.

SA15-2 Commission staff is conducting the necessary review of this project as expeditiously as possible.

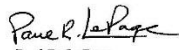
SA15 – State of Maine Governor Paul LePage (cont'd)

20140930-0028 FERC PDF (Unofficial) 09/25/2014

SA15-2
(cont'd) We must work creatively to manage the situation this winter, expand existing infrastructure, and work in the long-term to add new infrastructure to the region.

SA15-3 Finally, I am including a letter that I have sent to Spectra Energy. The "Atlantic Bridge" project is particularly critical for Maine's economic strategy and would encourage FERC to consider our State's support as the equivalent to a precedent agreement when considering the project's imminent FERC filing.


Thank you for your consideration. New England needs assistance now.


Paul R. LePage
Governor

SA15-3 Comment noted. At this time, Spectra has not filed an application for this planned project.

SA15 – State of Maine Governor Paul LePage (cont'd)

20140930-0028 FERC PDF (Unofficial) 09/25/2014



STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

Paul R. LePage
GOVERNOR

September 23, 2014

Mr. William T. Yardley
Vice President, U.S. Transmission and Storage
Spectra Energy
5400 Westheimer Court
Houston, TX 77056-5310

Dear Mr. Yardley,

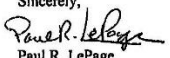
SA15-4 Thank you for our recent discussion regarding natural gas capacity constraints in New England and the severe economic consequences in our region.


I understand Spectra Energy is currently seeking subscriptions on an additional expansion project, "Atlantic Bridge," which would expand the capacity of natural gas from domestic resources via the Maritimes and Northeast Pipeline to the State of Maine. As you know, expanding competitively-priced natural gas to Maine businesses and residential homes is a priority of my Administration. To encourage the rapid development of expanded capacity I would request that you consider working together to target expansions for gas expansion.

Specifically, my office will work to identify both state and private facilities that would collectively expand firm natural gas load and work to ensure that there are state financing methods available to convert to natural gas. My Administration would request that Spectra Energy provide low or no-cost taps in targeted locations. For example, my Administration would like to meet to discuss opportunities to service the State Prison in Warren, Maine.

In addition, I can commit to you that the State of Maine will work to expedite a review of any permitting requirements for this proposed project and that we will work to support any entity from fulfilling pipeline capacity commitments.

This is a critical project for the future of Maine and the region. I would like to offer my full assistance to help ensure that "Atlantic Bridge" can be in service no later than the winter of 2017/2018 and supports the Maine economy as much as possible.

Sincerely,

Paul R. LePage
Governor



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PHONE: (207) 287-3531 (Voice)
FAX: (207) 287-1054

SA15-4 See response to comment SA15-3.

SA16 – New York Public Service Commission

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STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350
www.dps.ny.gov

PUBLIC SERVICE COMMISSION

AUDREY ZIBELMAN
Chair
PATRICIA L. ACAMPORA
GARRY A. BROWN
GREGG C. SAYRE
DIANE X. BURMAN
Commissioners



KIMBERLY A. HARRIMAN
Acting General Counsel
KATHLEEN H. BURGESS
Secretary

October 1, 2014

VIA ELECTRONIC FILING

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: Algonquin Gas Transmission, LLC
Docket No. CP14-96-000
FERC EIS-0245D

Dear Ms. Bose:

SA16-1 | Attached please find a document labeled as CH-1, a map referenced in the Comments of the New York Public Service Commission on the Draft Environmental Impact Statement in the proceeding of Algonquin Gas Transmission, LLC, for the Algonquin Incremental Market Project. The map was omitted in the prior filing.

Should you have any questions, please contact me at (518) 474-1585.

Very truly yours,

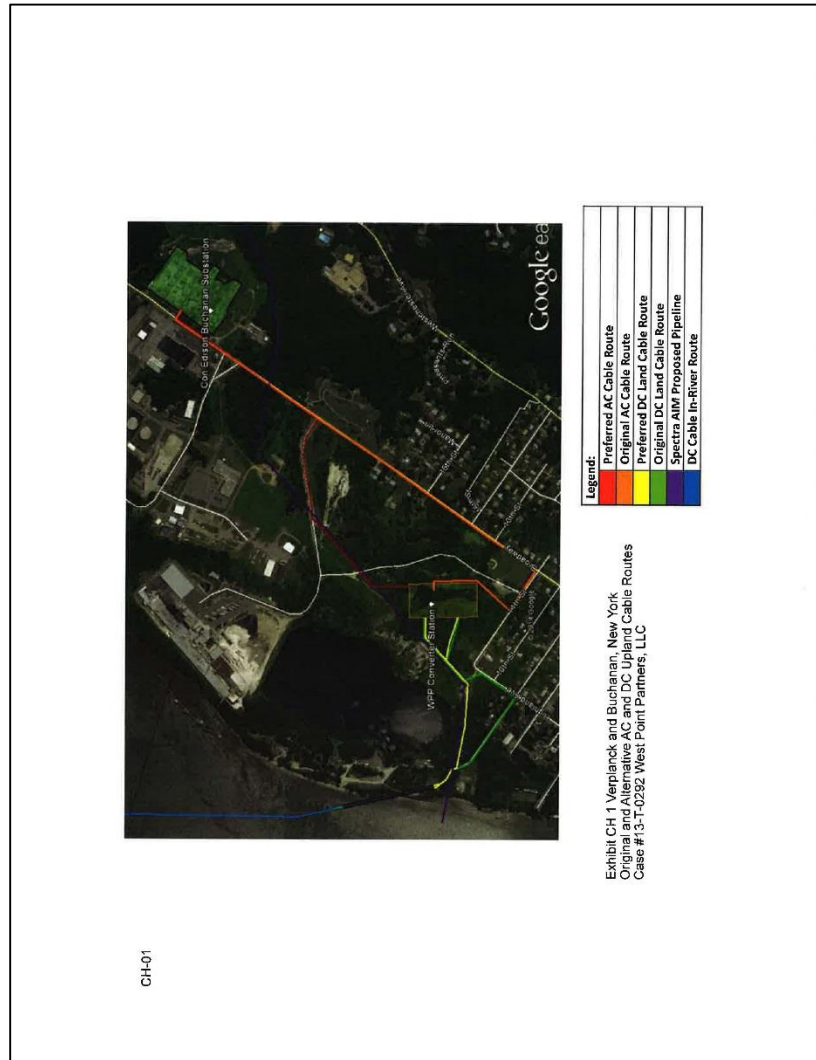
A handwritten signature in cursive script, appearing to read "Alan T. Michaels".

Alan T. Michaels
Assistant Counsel

Attachment

SA16-1 Comment noted.


SA16 – New York Public Service Commission (cont'd)



LOCAL AGENCIES

LA1 – Philipstown Town Board

20140814-0014 PERC PDF (Unofficial) 08/14/2014


TINA M. MIRANDO
TOWN CLERK AND TAX COLLECTOR

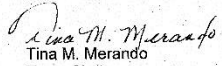
ORIGINAL CP1496
TOWN OF PHILIPSTOWN
238 Main St. P.O. Box 155 Cold Spring, NY 10516
RICHARD SHEA, SUPERVISOR (845) 265-3329
NANCY MONTGOMERY, COUNCILWOMAN
JOHN VAN TASSEL, COUNCILMAN
DAVID MERANDY, COUNCILMAN
MICHAEL LEONARD, COUNCILMAN

August 8, 2014

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St. NE
Washington, D.C. 20426

Dear Ms. Bose:

On August 7, 2014, the Philipstown Town Board adopted the attached certified resolution calling for a moratorium on the Algonquin Gas Transmission, LLC until air emissions, baseline assessment and risk assessments are completed and reviewed by local government officials. If you have any questions, please feel free to contact my office during regular business hours.

Sincerely,

Tina M. Merando
Town Clerk

TMM


cc: George Sweikert, DEC Region 3
file

attachments (1)

FILED
AUG 14 A 9 26
TOWN OF PHILIPSTOWN
CLERK

LA1 – Philipstown Town Board (cont'd)

20140814-0014 FERC PDF (Unofficial) 08/14/2014



TOWN OF PHILIPSTOWN
 238 Main St. P.O. Box 155 Cold Spring, NY 10516
 RICHARD SHEA, SUPERVISOR

(845) 265-3329

TINA M. MERANDO
TOWN CLERK AND TAX COLLECTOR

NANCY MONTGOMERY, COUNCILWOMAN
 JOHN VAN TASSEL, COUNCILMAN
 DAVID MBRANDY, COUNCILMAN
 MICHAEL LEONARD, COUNCILMAN

RESOLUTION

The following resolution was presented by Councilman Leonard, seconded by Councilman Merandy and unanimously carried:

LA1-1 **RESOLVED**, that the Town Board hereby calls for a Moratorium on the Algonquin Gas Transmission, LLC, until air emissions, baseline assessment and risk assessment are completed and reviewed by local government officials, et al.

LA1-2 **WHEREAS**, Algonquin Gas Transmission, LLC, a wholly-owned subsidiary of Spectra Energy Partners, submitted Resource Report #9 in Docket # CP14-96-000, which does not reflect aggregate (existing and proposed) and cumulative emissions from compressor stations, metering stations, and pipelines in the entire Algonquin Incremental Market project; and

WHEREAS, impacts from the current AIM project infrastructure have not been fully evaluated to establish a baseline for air quality; and

WHEREAS, peer-reviewed scientific studies indicate that emissions from compressor stations and other shale gas infrastructure are associated with negative health impacts; and

WHEREAS, the current emissions will be significantly increased by the expansion of the Southeast and Stony Point compressor stations, and the region including Putnam, Rockland and Westchester counties is already considered a non-attainment zone for air quality standards according to the U.S. Environmental Protection Agency and exceeds the limits for air pollutants, such as ground level ozone; and

LA1-3 **WHEREAS**, the location of the AIM pipeline within close proximity to the Indian Point Nuclear Facility and 40 years of spent fuel roads, and in close proximity to a significant seismic zone, poses a risk of catastrophic damage with profound long-term impacts on the region; and

LA1-4 **WHEREAS**, municipalities may bear costs involved with emergency training, equipment, including up-to-date foam to extinguish fires, and first response to a pipeline, compressor or metering station event; and

LA1-5 **WHEREAS**, Algonquin Gas Transmission LLC and Spectra Energy Partners may not have adequate resources or insurance coverage to reimburse municipalities for costs borne by the municipality should an event occur that requires emergency response by first responders;

LA1-6 **NOW, THEREFORE BE IT RESOLVED**, that an independent air emissions baseline assessment be conducted in the areas directly impacted by the compressor and metering stations

Tina/Resolutions/2014-Algonquin Gas Transmission

LA1-1 See the responses to comments FA4-25, SA4-1, and SA4-9.

LA1-2 See the responses to comments SA4-1 and SA4-9.

LA1-3 See the response to comment FA4-25.

LA1-4 As discussed in section 4.12.1 of the EIS, Algonquin would not necessarily compensate municipalities for any public service assistance that might be required to train for or respond to an emergency incident. However, Algonquin has committed, and currently offers, to provide training every 3 years in all of the municipalities where the proposed Project facilities are to be located and, if requested, is available to provide more frequent training or a specific class. In addition, Algonquin would pay ad valorem taxes annually over the life of the Project (see section 4.9.8 of the EIS) that may be used to offset any such expenses.

LA1-5 See the response to comment LA1-4.

LA1-6 See the response to comment SA4-9. Further, each of the compressor stations proposed to be modified as part of the Project have existing air emission permits, as summarized in section 4.11.1.2 of the EIS, which includes monitoring, recordkeeping, and requirements to report information to the NYSDEC to ensure that stations continue to comply with applicable air quality regulations.

LA1 – Philipstown Town Board (cont'd)

20140814-0014 FERC PDF (Unofficial) 08/14/2014	
LA1-6 (cont'd)	modifications, by an independent expert acceptable to industry, local government officials, advocates and the public, funded by industry, and that continuous emissions monitoring be conducted with transparent record keeping as stringent as possible; and be it further
LA1-7	RESOLVED , that the best mitigation technology available be required to be installed on every possible component of AIM's compressor and metering stations, including selective catalytic reduction, zero emission dehydrators, blow down prevention, vapor recovery units, and methane capturing equipment outlined by the U.S. EPA, and that there be a public hearing for the permits for each compressor station; and be it further
LA1-8	RESOLVED , that a comprehensive and transparent Health Impact Assessment (HIA), as outlined by the Centers for Disease Control and the National Academy of Sciences, be conducted by an independent entity acceptable to industry, local government officials, advocates and the public, and funded by industry; and be it further
LA1-9	RESOLVED , that Algonquin Gas Transmission, LLC and Spectra Energy Partners provide a full cost analysis and procurement of emergency supplies, equipment and training for local first response teams to respond to events related to the Algonquin Pipeline Expansion (AIM) project, including fires, explosions, leaks, spills, problems and evacuations due to blow down releases and other incidents; and be it further
LA1-10	RESOLVED , that Algonquin Transmission, LLC and Spectra Energy Partners provide proof of insurance or self-insurance represented by segregated cash reserves for all potential costs and expenses involved with maintenance and responding to emergencies and mitigating damages as a result of any incident relating to or resulting from the Algonquin Pipeline Expansion (AIM) Project; and be it further
LA1-11	RESOLVED , that a Moratorium be enacted on this project, until such air emissions baseline assessment, Health Impact Assessment (HIA), and risk assessment are completed and reviewed by industry, local government officials and advocates and the public, health impacts are fully addressed and mitigated that fully protect and preserve the health and safety of residents and evidence of acceptable levels of insurance and self-insurance represented by segregated cash reserves, as aforesaid, are presented and approved by all interested parties; and be it further RESOLVED , that a copy of this Resolution be sent to the Federal Energy Regulatory Commission.
Time/Resolutions/2014-Algonquin Gas Transmission	

- LA1-7 See the response to comment FA4-23 for additional information regarding BACT and mitigation for methane emissions. As summarized in section 4.11.1.2 of the EIS, the modifications to the Stony Point and Southeast Compressor Stations are currently being evaluated by the NYSDEC. The BACT is only required for sources that would exceed the applicable air permitting threshold. In New York, only the modifications to the Stony Point Compressor Station exceed this threshold for GHG, and must consider BACT. The NYSDEC air permit program allows for public hearings at the discretion of the agency.
- LA1-8 See the response to comment SA4-10.
- LA1-9 See the response to comment LA1-4. Section 4.12 of the EIS discusses emergency training and response. Company personnel are responsible for the pipeline in the event of an emergency. Local public safety officials (fire, police) would be responsible for protecting the public during an emergency situation and making the determination of the necessary emergency steps to take, notifying or evacuating residents if necessary. Algonquin's Emergency Response Plans provide for training of local emergency responders, and related safety liaison work with local communities. Algonquin currently offers to provide training every 3 years in all of the municipalities where the proposed Project facilities are to be located, and if requested, is available to provide more frequent training or a specific class as needed. We also note that the about 81.5 percent of the pipeline facilities in New York are replacement of existing pipeline and therefore, existing emergency supplies and equipment would continue to be applicable to the new facilities.
- LA1-10 Algonquin has indicated that they carry insurance commensurate with similarly sized corporations and similar types of assets, to appropriately respond in the event of a pipeline incident. The liability and the extent of liability for the pipeline owner/operator would be determined by the laws of the state in which an event occurs. There is no accident liability cap for the operator of a natural gas pipeline.
- LA1-11 See the responses to comments SA4-1, SA4-9, SA4-10, and LA1-10.

LA1 – Philipstown Town Board (cont'd)

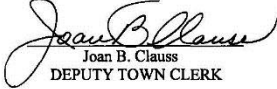
20140814-0014 FERC PDF (Unofficial) 08/14/2014

CERTIFICATION

I, **Joan B. Clauss**, the duly qualified and acting Deputy Town Clerk of the Town of Philipstown, Putnam County, New York, do hereby certify that attached hereto is a true and correct copy of an extract from the minutes of a Regular Meeting of the Town Board of the Town of Philipstown, held on August 7, 2014, and that the Resolution set forth herein is a true and correct copy of the Resolution of the Town Board of said Town adopted at said meeting.

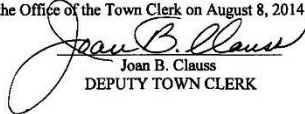
I **FURTHER CERTIFY** that pursuant to section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said Town, this 8th day of August 2014.


Joan B. Clauss
DEPUTY TOWN CLERK

(seal)

A true copy of this Resolution was filed in the Office of the Town Clerk on August 8, 2014.



Joan B. Clauss
DEPUTY TOWN CLERK

Tms/Resolutions/2014-Algonquin Gas Transmission

LA2 – Town of Cortlandt

20140819-0025 FERC PDF (Unofficial) 08/19/2014

CP14-96



TOWN OF CORTLANDT
TOWN HALL
1 HEADY STREET
CORTLANDT MANOR, N.Y. 10567-1254
(914) 734-1020 – FAX: (914) 734-1102
townofcortlandt.com

JO-ANN DYCKMAN
TOWN CLERK

August 14, 2014

Commissioner
Federal Energy Regulatory Commission
888 First Street, NE
Washington DC 20426

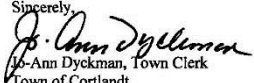
Commissioner
NYS Dept. of Environmental Services
625 Broadway
Albany, NY 12233-1011

Dear Commissioner,

Enclosed is Town of Cortlandt Resolution No. 247-14 which was adopted on August 12, 2014 by the Town Board of the Town of Cortlandt.

Resolution No. 247-14 is in regard to ensuring public safety and health regarding the Spectra Algonquin pipeline expansion project.

Should you have any questions, please do not hesitate to contact my office.

Sincerely,

Jo-Ann Dyckman, Town Clerk
Town of Cortlandt

cc: Federal and State elected officials
File

2014 AUG 19 10 56 AM
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

LA2 – Town of Cortlandt (cont'd)

20140819-0025 FERC PDF (Unofficial) 08/19/2014

RESOLUTION

NO. 247-14

(TO ENSURE PUBLIC SAFETY AND HEALTH REGARDING SPECTRA ENERGY ALGONQUIN INCREMENTAL MARKETS (AIM) NATURAL GAS PIPELINE, COMPRESSOR AND METERING STATIONS EXPANSION PROJECT)

WHEREAS, SPECTRA Energy proposed Algonquin Incremental Markets (AIM) natural gas pipeline would place an existing pipeline and related infrastructure on public and private lands over which they currently have easements and would create an additional crossing of the Hudson River from the Town of Cortlandt to Rockland County; and

WHEREAS, the Town Board of the Town of Cortlandt has previously engaged the services of Sive Paget and Reisel, a prominent environmental law firm to represent the interests of the Town before the Federal Energy Regulatory Commission (FERC); and

WHEREAS, the Town of Cortlandt has been granted intervenor status in the proceedings; and

WHEREAS, the Town Board has previously expressed its concerns and raised issues concerning the development of this project; and

WHEREAS, the Town Board has held community meetings to disseminate information to the public who will be effected by this project; and

WHEREAS, it is the desire of the Town Board to be vigilant in raising issues for the Regulatory Authorities to consider and analyze as well as to work with the community in addressing their concerns; and

LA2-1 | **WHEREAS**, that the location of the AIM pipeline within close proximity to the Indian Point Nuclear facility and the dry cask spent rod storage facility, intersecting with two (2) high voltage power lines and in close proximity to a significant seismic zone, poses a risk of catastrophic damage with profound long term impacts on the region; and

LA2-2 | **WHEREAS**, the de-vegetation and excavation within the existing right of ways which traverse through the Town's residential communities would create social, economic and environmental impacts; and

LA2-3 | **WHEREAS**, the proposed new part of the pipeline would traverse a parcel of property in the Hamlet of Verplanck within the Town of Cortlandt coming within feet of the oldest church in the Hudson Valley and disturb a beach area; and

LA2-4 | **WHEREAS**, said project would cause clear cutting on property abutting the Hudson River; and

LA2-1 See the responses to comments FA4-25, SA4-2, and SA7-4.

LA2-2 The impacts noted, as well as mitigation measures, are discussed throughout the EIS.

LA2-3 The impacts on St. Patrick's Church are discussed in section 4.8.5.1 of the EIS.

LA2-4 Sections 4.4 and 4.8 of the EIS address impacts on forested areas.

LA2 – Town of Cortlandt (cont'd)

20140819-0025 FERC PDF (Unofficial) 08/19/2014

- LA2-5 WHEREAS, the proposed additional route traverses through residential neighborhoods coming within feet of an elementary school and public parks; and
- LA2-6 WHEREAS, the proposed new route comes near the Buchanan power sub-station which provides a substantial part of the electricity for New York City and any damage to said facility due to a problem in the gas line would have devastating impacts on the surrounding community and the City of New York; and
- LA2-7 WHEREAS, the Town Board is concerned about potential adverse environmental impacts during construction and the subsequent operation of this pipeline, as well as continuing impacts to the health, safety and property values in adjoining neighborhoods, the impacts to Town infrastructure and the impacts to local and county emergency services;
- LA2-8 NOW, THEREFORE, BE IT RESOLVED, the Town Board does hereby raise its concerns with respect to the current proposed project and asks FERC to consider alternate routes and alternate construction methodologies in order to increase safety and limit the environmental impacts of this project; and
- LA2-9 BE IT FURTHER RESOLVED, that the Town Board does hereby request that FERC provide additional time and dates for public information and public comment on this project; and
- LA2-10 BE IT FURTHER RESOLVED, that the Town Board opposes any construction of maintenance facilities within the Town that would be located on environmentally sensitive land near schools, parks, houses of worship, business or residential districts, nuclear facility, transformer stations or power lines; and
- LA2-11 BE IT FURTHER RESOLVED, that this project be held to the highest environmental review standard allowed by law; and
- BE IT FURTHER RESOLVED, that the Town's special counsel, Daniel Reisel, Esq. of Sive Paget and Riesel be and hereby is directed and authorized to enter these concerns into the record before FERC; and
- BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to the Federal Energy Regulatory Commission, the New York State DEC and all involved agencies with the request that the health, safety and planning concerns addressed herein and previously raised in the record by the Town be reviewed and considered before any further action is taken.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
JO-ANN DYCKMAN, TOWN CLERK

Adopted August 12, 2014
At a Regular Meeting
Held at Town Hall


- LA2-5 The impacts on residential areas, schools, and parks are discussed in section 4.8 and 4.12 of the EIS.
- LA2-6 The segment of the AIM pipeline that passes nearest the Buchanan Electrical Substation (approximate milepost (MP) 5.0) lies within the segment that would be subject to the additional design and installation enhancements agreed to by Algonquin as part of Entergy's hazards analysis for the IPEC (see the response to comment FA4-25). These measures would also serve to increase the margin of safety for the Buchanan Substation. Section 4.12.3 of the EIS has been updated to reflect these design and installation enhancements.
- LA2-7 The impacts noted, as well as mitigation measures, are discussed throughout the EIS.
- LA2-8 Alternatives to facility design and siting are discussed in section 3.4 of the EIS. Alternative routes and variations are discussed in section 3.5. Special construction procedures, including alternative crossing methods, are discussed in sections 2.3.1.2 and 3.5.4 of the EIS.
- LA2-9 See the response to comment FA6-5.
- LA2-10 See the responses to comments FA4-25, SA4-5, and SA7-4.
- LA2-11 The Project is subject to review under NEPA as well as other federal regulations related to air quality, water, threatened and endangered species, essential fish habitat, and cultural resources (see section 1.3 of the EIS). A thorough review of the Project has been conducted under NEPA and these other federal regulations. The results of this review are presented in this EIS. See also the response to comment SA4-15.
- LA2-12 The impacts noted, as well as mitigation measures, are discussed throughout the EIS.

LA3 – Yorktown Councilman Terrence Murphy

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FROM THE DESK OF

CP14-96

ASSOCIATED
PUBLIC FILE



YORKTOWN COUNCILMAN DR. TERRENCE MURPHY

1853 COMMERCE STREET YORKTOWN HEIGHTS, NY 10598 | TERRENCE@VOTE4MURPHY.COM | WWW.VOTE4MURPHY.COM

August 8, 2014

Chairman Cheryl A. LaFleur
888 First Street, NE
Washington, DC 20426

Dear Chairman LaFleur:

On behalf of the residents of New York's Hudson Valley, specifically the towns of Cortlandt and Peekskill and Yorktown, I am writing to you today regarding the public hearings scheduled regarding the Algonquin Pipeline.


LA3-1 Having received the scheduled meetings I find it simply offensive for the Federal Energy Regulatory Commission to schedule a public hearing on September 11th. This is an emotional day for all New Yorkers but especially for the families of the Hudson Valley who have lost loved ones on that tragic day. While the Obama administration may not recognize the importance of this date the people of the Hudson Valley remember the victims every day.

I am requesting the scheduled public hearing to be held at the Morabito Center in Cortlandt be moved to a more suitable date. Furthermore, considering the seriousness of the matter at hand, I believe additional meetings should be allowed to ensure all residents can voice their concerns and gather more information on the proposed project.

LA3-2 As an elected official I can tell you people are very concerned and conflicted about the proposed project. Information has been contradicting itself leading to great confusion and half truths. Considering the potential hazards associated with this project, including possible health risks and environmental concerns, information needs to be properly distributed to address these worries.

I offer my assistance in any way possible to accommodate FERC and the residents of the Hudson Valley. An open and honest dialogue is the very least your agency can provide in order to ease the concerns of so many people.

Sincerely,



Dr. Terrence Murphy
Yorktown Councilman

2014-00191

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AUG 25 2014
OFFICE OF
EXTENSION
AFFAIRS

LA3-1 The public comment meeting originally scheduled for September 11 was rescheduled to September 15, 2014.

LA3-2 This EIS was mailed to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups on the environmental mailing list; newspapers and libraries in the Project area; and parties to this proceeding to present the evaluation of the risks and environmental concerns associated with the Project.

LA3 – Yorktown Councilman Terrence Murphy (cont'd)

20140828-0016 FERC PDF (Unofficial) 08/25/2014

cc: Senator Charles Schumer
Senator Kristen Gilibrand
Congressman Sean Patrick Maloney
Senator Greg Ball
Assemblyman Steve Katz
Westchester County Executive Rob Astorino
Putnam County Executive MaryEllen Odell
Westchester County Legislator John Testa
Peekskill Mayor Frank Catalina
Yorktown Supervisor Michael Grace
Cortlandt Supervisor Linda Puglisi
Commissioner Philip Moeller
Commissioner John Norris
Commissioner Tony Clark
Commissioner Norman Bay


LA4 – Westchester County Board of Legislators

20140903-0014 FERC PDF (Unofficial) 09/03/2014

CP14-96

ORIGINAL

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FEDERAL ENERGY
REGULATORY COMMISSION



BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER,
STATE OF NEW YORK

INTRODUCED BY:
LEGISLATORS PARKER & HARKHAM

Resolution No. 80 - 2014

To ensure public safety and health
regarding Spectra Energy's Algonquin Incremental Market (AIM) natural gas pipeline,
compressor and metering stations expansion project

WHEREAS, Algonquin Gas Transmission, LLC, a wholly-owned subsidiary of Spectra Energy Partners, submitted Resource Report #9 in Docket # CP14-98-000 which does not reflect aggregate (existing and proposed) and cumulative emissions from compressor stations, metering stations, and pipelines in the entire Algonquin Incremental Market project;

LA4-1 WHEREAS, peer-reviewed scientific studies indicate that emissions from compressor stations and other shale gas infrastructure are associated with negative health impacts;

WHEREAS, peer-reviewed scientific studies and the World Health Organization link exposure between air pollution and neurological, cardiovascular, respiratory and other health impacts;

LA4-2 WHEREAS, the current emissions will be significantly increased by the expansion of the Southeast and Stony Point compressor stations, and other gas pipeline infrastructure and operations (including but not limited to metering and regulating stations, pipelines, valves, fittings and pigging operations) and the tri-state region including Rockland, Westchester, and Putnam counties is already considered a non-attainment zone for air quality standards according to the U.S. Environmental Protection Agency and exceeds the limits for pollutants such as ground level ozone and particulate matter;

LA4-3 WHEREAS, there is presently no advanced notification for all planned compressor station and other gas pipeline infrastructure and operations blowdowns, either full or partial, or immediately following any unplanned partial or full blowdowns in order for residents and public officials to take prompt emergency measures;

LA4-4 WHEREAS, the location of the AIM pipeline within close proximity to the Indian Point Nuclear Facility and 40 years of spent fuel rods, and intersects with two proposed high voltage power lines, and in close proximity to a significant seismic zone, poses a risk of catastrophic damage with profound long-term impacts on the region;

LA4-5 WHEREAS, materials and contaminants in the gas pipeline include Radium precipitate, Radon and its decay products, Lead and Polonium, many of which are known carcinogens;

LA4-1 See the responses to comments SA4-1 and SA4-10.

LA4-2 We disagree. See the responses to comments SA4-1 and SA4-9.

LA4-3 See the response to comment SA4-3.

LA4-4 See the response to comment FA4-25.

LA4-5 See the response to comment SA4-4.

LA4 – Westchester County Board of Legislators (cont'd)

20140903-0014 FERC PDF (Unofficial) 09/03/2014

WHEREAS, Algonquin Gas Transmission, LLC (AGT) has safely operated pipelines in Westchester County for more than 60 years;

WHEREAS, the AIM project will utilize local union labor and provide more than 300 short-term construction related jobs in Westchester County;

WHEREAS, the Westchester County Board of Legislators feels duty bound to protect the health and safety of all County residents and of all workers associated with the project;

LA4-6 THEREFORE, BE IT RESOLVED that an independent air emissions baseline assessment be conducted in the areas directly impacted by the proposed compressor and metering and regulating stations modifications before permitting, and be monitored by an independent expert acceptable to industry, local government officials, advocates and the public, funded by Spectra Energy, and that continuous emissions monitoring be conducted and results of the continuous monitoring of air, water, land and all other environmental impacts be reported daily to the New York State Department of Environmental Conservation the United States Department of Environmental Protection Agency and made available to the public in a transparent manner, and be it

LA4-7 FURTHER RESOLVED, that the best available mitigation technologies and practices be required to be installed on all components of the existing and proposed expansion of Algonquin Pipeline's compressor and metering stations including electric compressor engines, zero emission dehydrators, blowdown prevention, vapor recovery units, and methane capturing equipment and practices outlined by the U.S. Environmental Protection Agency, and if gas-driven engines are used instead of preferred electric engines, that selective catalytic reduction must be installed, and be it

LA4-8 FURTHER RESOLVED, effective immediately, advanced notification of all planned blowdowns, either full or partial, and notification within 30 minutes following any unplanned partial or full blowdowns of the Stony Point and Southeast compressor stations and other gas pipeline infrastructure and operations (including but not limited to metering and regulating stations, pipelines, valves, fittings, and pigging operations) be given to the County of Westchester in order to alert all residents, police, fire departments and municipalities within Westchester County, and be it

LA4-9 FURTHER RESOLVED, that a comprehensive and transparent Health Impact Assessment (HIA), as outlined by the Centers for Disease Control and the National Academy of Sciences, be conducted by an independent entity acceptable to industry, local government officials, advocates and the public, and funded by Spectra Energy, and be it

FURTHER RESOLVED, that this comprehensive and transparent Health Impact Assessment (HIA) cover cumulative short-term and long-term as well as direct and indirect impacts of all infrastructure components and operations of the AIM project, including compressor stations emissions and blowdowns, metering and regulating stations emissions, and pipeline leakage prior to construction, during construction, during normal operations and during blowdowns and accidental release events, with a thorough analysis of all materials and contaminants in the pipeline, including Radium precipitate, Radon and its decay products, Lead and Polonium, and with a thorough analysis of the proposed Pipeline Inspection Gauge (PIG) launching staging areas and the handling, storage, cleaning, and disposal of PIGs, PIG wastewater, PIG launcher and all other associated equipment with PIG operations, and be it

LA4-6 See the responses to comments SA4-1 and SA4-9. Information provided by Algonquin to the appropriate regulatory authority (e.g., NYSDEC, EPA) for the proposed facilities is available for review as part of the public record.

LA4-7 See the responses to comments FA4-23, SA4-11, and LA1-7. Also, as summarized in the air permit applications for the Stony Point and Southeast Compressor Stations, Algonquin is proposing to replace existing compressors at each of the stations with compressors with a lower nitrogen oxides (NO_x) emission rate. The NO_x potential-to-emit at these two stations would be lower after Project implementation than they are currently.

LA4-8 See the response to comment SA4-3.

LA4-9 See the response to comment SA4-10.

LA4 – Westchester County Board of Legislators (cont'd)

20140903-0014 FERC PDF (Unofficial) 09/03/2014

- LA4-10 FURTHER RESOLVED, that a comprehensive, independent and transparent risk assessment of the potential catastrophic explosion of a 42" diameter high-pressure pipeline in close proximity to Indian Point Nuclear Facility and a significant seismic zone be conducted, and that assessment should be funded by Spectra Energy, to be completed in accordance with CFR Federal Law 50.59 and 10 CFR 100.20 regarding changes to site, and be it
- LA4-11 FURTHER RESOLVED, that the Westchester County Board of Legislators opposes any construction of maintenance facilities located near schools, parks, houses of worship, business or residential districts or any other population centers and any current existing facilities near such locations be moved along the right-of-way, and be it
- LA4-12 FURTHER RESOLVED that Spectra Energy comply with New York State Law since it has one of the highest standards of environmental protection by undergoing a full Environmental Impact Statement to comply with the requirements of the New York State Environmental Quality Review Act and minimize and mitigate any negative environmental impacts, and be it
- LA4-13 FURTHER RESOLVED, that a copy of this resolution be sent to the Federal Energy Regulatory Commission and all Involved Agencies with the request that the health, safety and planning concerns stated in this resolution be addressed and mitigated in the environmental review and all other review processes before project permissions be granted.

July 21, 2014:

Committee on C&E
 James Messier
 20 B. 11/14
 Catharine Borg
 Alfreda Williams
 Shula Moravetz

Comm. on Infra.
 Mary Jane Almond
 20 B. 11/14
 Catharine Borg
 Alfreda Williams
 Shula Moravetz

LA4-10 See the response to comment FA4-25.

LA4-11 See the responses to comments FA4-25, SA4-5, and SA7-4.

LA4-12 See the response to comment SA4-15.

LA4-13 The impacts noted, as well as mitigation measures, are discussed throughout the EIS.

LA4 – Westchester County Board of Legislators (cont'd)

20140903-0014 FERC PDF (Unofficial) 09/03/2014

STATE OF NEW YORK)
) ss.
COUNTY OF WESTCHESTER)

I HEREBY CERTIFY that I have compared the foregoing Resolution, Resolution No. 80 - 2014, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of said original Resolution, which was duly adopted by the Westchester County Board of Legislators, of said County on August 4, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators on this 5th day of August, 2014.


Tina Seckerson

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York




LA4 – Westchester County Board of Legislators (cont'd)

20140903-0014 FERC PDF (Unofficial) 09/03/2014

WESTCHESTER COUNTY

BOARD OF LEGISLATORS
Voice of the People of Westchester County for over 300 years


Tina Seckerson
Clerk & Chief Administrative Officer



August 26, 2014

The attached resolution was passed by the Westchester County Board of Legislators on August 4, 2014:

Resolution 80-2014: Ensuring public safety and health regarding Spectra Energy's Algonquin Incremental Market (AIM) natural gas pipeline, compressor and metering stations expansion project.

Very truly yours,

Tina Seckerson
Clerk of the Westchester
County Board of Legislators

900 Michaelian Office Bldg., 148 Martine Avenue, White Plains, N.Y. 10601 • www.westchesterlegislators.com • 914.995.2900 (voice) • 914.995.5854 (fax)

LA5 – Town of Yorktown

20140909-0047 FERC PDF (Unofficial) 09/09/2014

CP14-96-000

Alice E. Roker
Town Clerk

Registrar of Vital Statistics
Phone: 814-962-5722 Ext. 209
Fax: 914-962-6591
alice@yorktownny.org

Town of Yorktown
363 Underhill Avenue, P.O. Box 703
Yorktown Heights, N.Y. 10598

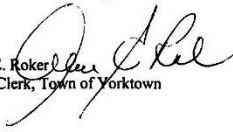
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SECRETARY OF THE
COMMISSION
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FEDERAL ENERGY
REGULATORY COMMISSION

To:

Algonquin Gas Transmission, LLC
Spectra Energy Partners
Federal Energy Regulatory Commission
NYS Department of Environmental Conservation

Governor Andrew Cuomo
NY State Senator Greg Ball
NY State Assemblyman Steve Katz

Chairman Michael Kaplowitz, Westchester County Board of Legislators
Westchester County Legislator John Testa

From: 
Alice E. Roker
Town Clerk, Town of Yorktown

The attached resolution was adopted by the Town Board of the Town of Yorktown, Westchester County, NY at its meeting held on Tuesday, September 2, 2014.

LA5 – Town of Yorktown (cont'd)

20140909-0047 FERC PDF (Unofficial) 09/09/2014

Alice E. Roker
Town Clerk

Registrar of Vital Statistics
Phone: 914-962-5722 Ext. 209
Fax: 914-962-6591
alice@yorktownny.org

Town of Yorktown
363 Underhill Avenue, P.O. Box 703
Yorktown Heights, N.Y. 10598

This is a resolution adopted by the Town Board of the Town of Yorktown at its meeting held on September 2, 2014;

WHEREAS, Algonquin Gas Transmission, LLC ("Algonquin"), a wholly-owned subsidiary of Spectra Energy Partners ("Spectra"), filed an Abbreviated Application for a Certificate of Public Convenience and Necessity and for Related Authorizations for the planned Algonquin Incremental Market Project ("AIM") with Federal Energy Regulatory Commission ("FERC" or the "Commission") on February 28, 2014, Docket # CP14-96-000, and has filed subsequent updates and additions (the "Submission"); and

WHEREAS, Spectra Energy's AIM project includes the replacement of 26-inch diameter existing pipeline with 42-inch diameter high-pressure natural gas pipeline within the Town of Yorktown; and

WHEREAS, the Submissions do not reflect aggregate (existing and proposed) and cumulative emissions from compressor stations, metering and regulating ("M&R") stations, pipelines and other infrastructure for the entire AIM project in the region and in areas within Yorktown; and

WHEREAS, the Submissions do not reflect aggregate (existing and proposed) and cumulative emissions from compressor stations, M&R stations, pipelines and other infrastructure including the entire proposed Atlantic Bridge project in the region and in areas within Yorktown; and

WHEREAS, Spectra Energy's AIM project includes temporary use of 15 acres of land for a contractors' ware yard or pipe yard in Granite Knolls Park West in the Town of Yorktown; and

WHEREAS, Spectra Energy's proposal includes permanent use of approximately one acre of land to be used as a "pigging" station, also known as a launcher/receiver site, in the Town of Yorktown; and

WHEREAS the Town of Yorktown is concerned that the AIM project should not impose additional financial burdens on the Town as a result of: infrastructure damage to roads, bridges, culverts, water mains, utilities, etc.; cost increases for necessary emergency response enhancements; loss of tax revenues associated with decreases in property values and/or usage ; and

LA5-1

Tables 4.11.1-7 through 4.11.1-11 of the EIS present the combined existing and proposed air emissions of each compressor station associated with the AIM Project. Further, section 4.11.1.3 presents all construction and operating air emissions for all facilities related to the AIM Project. See also the response to comment FA3-5 regarding the cumulative impacts for the not yet proposed Atlantic Bridge Project.

LA5-2

Economic impacts associated with the Project, including public utilities and related infrastructure and property values, are discussed in sections 4.9.4 and 4.9.8 of the EIS, respectively. Road crossing permits would be obtained by Algonquin prior to construction. These permits would dictate the specific requirements for the Project including the restoration and repair of areas (e.g., roads) after construction. See also the response to comment LA1-4.

LA5 – Town of Yorktown (cont'd)

20140909-0047 FERC PDF (Unofficial) 09/09/2014

LA5-3 WHEREAS, Spectra Energy Corporation has acknowledged that it may not have adequate resources or insurance coverage for such damages should they occur or to reimburse municipalities for costs borne by the municipality should an incident occur; and

LA5-4 WHEREAS, materials and contaminants in the pipeline may include Radium, Radon and its decay products, Lead 210 and Polonium 210, which are known carcinogens, and may include other substances that are carcinogens; and

WHEREAS, scientific studies have demonstrated that during pipeline maintenance and cleaning, known as the "pigging" process, the radioactive decay products, Lead 210 and Polonium 210 may be present; and

LA5-5 WHEREAS, there is presently no advanced notification currently in effect for all planned compressor station and other gas pipeline infrastructure and operations blowdowns, either full or partial, or immediately following any unplanned partial or full blowdowns in order for residents and public officials to take prompt emergency measures; and

LA5-6 WHEREAS, the location of the Spectra AIM pipeline expansion within close proximity to the Indian Point Nuclear Facility and 40 years of spent fuel rods, and in close proximity to the intersection of two geological fault lines including the Ramapo Fault and the Stamford-Peekskill fault, poses a risk of catastrophic damage with profound long-term impacts on the region; and

LA5-7 WHEREAS, municipalities may bear costs associated with additional emergency training, equipment (including up-to-date foam to extinguish fires), and first responses to a M&R station, pipeline, or other gas infrastructure incident; and

LA5-8 WHEREAS, the current Spectra AIM project area within Yorktown and the region has not been fully evaluated to establish a baseline for air quality; and

WHEREAS, peer-reviewed scientific studies allege that emissions from pipeline leaks, compressor stations and other shale gas infrastructures are associated with negative health impacts; and

WHEREAS, the region including Westchester County is already considered a non-attainment zone for air quality standards according to the U.S. Environmental Protection Agency ("EPA") and exceeds the limits for air pollutants such as ground-level ozone; and

LA5-9 WHEREAS, the Spectra AIM project would significantly increase the volume of shale gas transmitted through pipelines and processed by a M&R station and mainline valve ("MLV") sites located in Yorktown with the likelihood of correspondingly higher emissions of toxic materials; and

WHEREAS, the Town of Yorktown is obligated to protect the health and welfare of all of its residents;

NOW THEREFORE, BE IT

LA5-3 See the responses to comments LA1-4 and LA1-10.

LA5-4 See the response to comment SA4-4.

LA5-5 See the response to comment SA4-3.

LA5-6 See the responses to comments FA4-25 and SA4-2.

LA5-7 See the responses to comments LA1-4 and LA1-9.

LA5-8 See the responses to comments SA4-1 and SA4-9.

LA5-9 All emissions associated with the Project are evaluated in section 4.11.1.3 of the EIS. FERC staff presumes that the toxic material being referred to by the commentor is radon gas (see the response to comment SA4-4).

LA5 – Town of Yorktown (cont'd)

20140909-0047 FERC PDF (Unofficial) 09/09/2014

LA5-10 RESOLVED, that an independent air emissions baseline assessment, funded by Algonquin and Spectra, be conducted by an independent expert acceptable to industry, local government officials, advocates and the public, in the areas directly impacted by the existing and proposed compressor stations, venting and M&R stations and that continuous emissions monitoring be conducted and results of the continuous monitoring be made available to the public in a transparent manner; and be it

LA5-11 FURTHER RESOLVED, that the best available mitigation technologies and practices be required to be installed on every possible component of the existing and proposed expansion of Algonquin and Spectra's compressors, M&R stations, launcher/receiver sites and other gas infrastructure including electric compressor engines, zero emission dehydrators, blowdown prevention, vapor recovery units, and methane capturing equipment and practices outlined by the EPA; and be it

LA5-12 FURTHER RESOLVED, that the best available technologies, materials and practices be required to be utilized on every section of the existing and proposed Spectra AIM pipeline, including protective coatings to prevent corrosion, adequate cathodic protection, annual pipe-to-soil test readings, both automatic and remote shutoff valves and mechanisms to assure that the maximum pressure in the pipeline is not exceeded; and be it

LA5-13 FURTHER RESOLVED, that all technologies, materials and practices utilized shall have been fully tested and that none of the materials, processes and/or technology are new, untested or pilot versions and that operational checks are put into place to discover leaks and other problems in a timely manner; and be it

LA5-14 FURTHER RESOLVED, that Algonquin and Spectra shall not locate the receiver/launcher site within its jurisdiction; and be it

LA5-15 FURTHER RESOLVED, that there be a public hearing regarding the health effects of compressor stations, M&R stations, MLV sites and venting stations, and effective immediately,

LA5-16 advanced notification of all planned blowdowns and releases of facilities within or near the Town of Yorktown, either full or partial, and notification within 30 minutes following any unplanned release of gas be given to the Town of Yorktown in order to alert all residents, police, fire departments and municipal officials; and be it

LA5-17 FURTHER RESOLVED, that a comprehensive and transparent Health Impact Assessment ("HIA"), as outlined by the Centers for Disease Control and the National Academy of Sciences, be conducted by an independent entity acceptable to industry, local government officials, advocates and the public, and funded by Algonquin and Spectra; and be it

FURTHER RESOLVED, that this comprehensive and transparent HIA cover cumulative short-term and long-term as well as direct and indirect impacts of all infrastructure components of the AIM project, including compressor stations emissions and blowdowns, M&R stations emissions, venting stations and pipeline leakage prior to construction, during construction, during normal operations and during blowdowns and accidental release events, with a thorough analysis of all materials and contaminants in the pipeline, including radium precipitate, radon and its decay products, lead and polonium; and be it

LA5-10 See the responses to comments SA4-1 and SA4-9.

LA5-11 See the responses to comments FA4-23, SA4-11, and LA1-7.

LA5-12 As discussed in section 4.12 of the EIS, PHMSA's regulations specify material selection, qualifications, minimum design requirements, and protection of the pipeline from internal, external, and atmospheric corrosion. Algonquin has committed to design, install, inspect, test, construct, operate, replace, and maintain the pipeline facilities to meet or exceed PHMSA's safety standards.

LA5-13 See the response to comment LA5-12.

LA5-14 We recognize your opposition to the siting of the launcher/receiver in the Town of Yorktown. However, the Commission has the jurisdiction for federal projects regarding the authorization of siting interstate natural gas facilities under the NGA.

LA5-15 See the responses to comments FA6-5 and LA1-7.

LA5-16 See the response to comment SA4-3.

LA5-17 See the response to comment SA4-10.

LA5 – Town of Yorktown (cont'd)

20140909-0047 FERC PDF (Unofficial) 09/09/2014

- LA5-18 FURTHER RESOLVED, that an independent assessment of the potential impacts on air, water and soil of pipeline maintenance, known as "pigging," to be conducted at and all launcher/receiver staging areas and the handling, storage, cleaning and disposal of Pipeline Inspection Gauges ("PIG"), PIG wastewater, PIG launchers and all other associated equipment be conducted by an independent expert acceptable to industry, local government officials, advocates and the public, funded by Algonquin and Spectra and that results be made available to the public in a transparent manner; and be it
- LA5-19 FURTHER RESOLVED, that Algonquin and Spectra shall comply with New York State Law since it has one of the highest standards of environmental protection by undergoing a full Environmental Impact Statement to comply with the requirements of the New York State Environmental Quality Review Act and minimize and mitigate any negative environmental impacts; and be it
- LA5-20 FURTHER RESOLVED, that the Town of Yorktown is requesting full party status in the proceedings so that it may assist FERC in ensuring that the AIM project is constructed and operated in a safe manner and that the AIM project does not impose undue burdens on the Town, its residents and the general public; and be it
- LA5-21 FURTHER RESOLVED, that a comprehensive, independent risk assessment of the potentially catastrophic explosion of a 42" diameter high-pressure pipeline in close proximity to Indian Point Nuclear Facility and a significant seismic zone be conducted and made publicly available, and that the assessment should be funded by Algonquin and Spectra and that the assessment and the AIM project should comply with all Nuclear Regulatory Commission requirements; and be it
- LA5-22 FURTHER RESOLVED, that Algonquin and Spectra provide a full, independent cost analysis of the procurement of emergency supplies, equipment and training for local first response teams to respond to events related to the AIM project, including potential fires, explosions, leaks, spills, blowdowns and evacuations due to these incidents; and be it
- LA5-23 FURTHER RESOLVED, that Algonquin and Spectra provide proof of adequate insurance from an A-rated admitted carrier in New York State or self-insurance represented by adequate segregated cash reserves for all potential costs and expenses involved with maintenance and responding to emergencies and mitigating damages as a result of any ongoing negative effects or incident relating to or resulting from the AIM Project; and be it
- LA5-24 FURTHER RESOLVED, that Algonquin and Spectra shall develop a comprehensive plan and adequate insurance from an A-rated admitted carrier in New York State or adequate segregated cash and other readily available assets for the restoration of any damage to public or private infrastructure, lands, streams or other property without the imposition of costs to government or private entities within or adjacent to the Town of Yorktown; and be it
- LA5-25 FURTHER RESOLVED, that Algonquin and Spectra provide assurances from the Federal Housing Administration and the Federal Housing Finance Agency on behalf of all government organized or sponsored residential mortgage entities that residential mortgages will be and will remain federally insured in and near the path of the AIM project; and be it

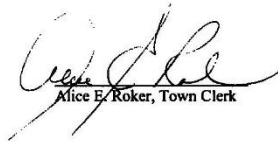
- LA5-18 Effects on air, water, and soils from all phases of the Project are described in sections 4.11, 4.3, and 4.2 of the EIS, respectively. Pigging of the pipe is a maintenance activity. Section 2.6.1 of the EIS has been revised to include a description of these activities.
- LA5-19 See the response to comment SA4-15.
- LA5-20 To become a party to the proceeding, a party must request intervenor status. Information on how to become an intervenor is provided on the FERC's website at: <http://www.ferc.gov/help/how-to/intervene.asp>.
- LA5-21 See the responses to comments FA4-25 and SA4-2.
- LA5-22 See the responses to comments LA1-4 and LA1-9.
- LA5-23 See the response to comment LA1-10.
- LA5-24 See the response to comment LA1-10.
- LA5-25 Section 4.9.8 of the EIS discusses economic impacts associated with the Project, including property values. The FERC is not aware of any practice by mortgage companies to re-categorize properties, nor are we aware of any federally insured mortgages being revoked, based on proximity to natural gas pipelines. No mortgage concerns have been identified since the 1950s when the existing pipelines were put into service.

LA5 – Town of Yorktown (cont'd)

20140909-0047 FERC PDF (Unofficial) 09/09/2014

LA5-26

FURTHER RESOLVED, that a copy of this Resolution be sent to the Federal Energy Regulatory Commission, the New York State Department of Environmental Conservation and all involved agencies with the request that no permits be issued or further action is taken until all concerns in this Resolution are addressed and mitigated.



Alice E. Roker, Town Clerk

Date: September 3, 2014

LA5-26

The impacts noted, as well as mitigation measures, are discussed throughout the EIS.

LA5 – Town of Yorktown (cont'd)

20140909-0047 FERC PDF (Unofficial) 09/09/2014

Alice E. Roker
Town Clerk

Registrar of Vital Statistics
Phone: 914-962-5722 Ext. 209
Fax: 914-962-6591
alice@yorktownny.org


Town of Yorktown
363 Underhill Avenue, P.O. Box 703
Yorktown Heights, N.Y. 10598

STATE OF NEW YORK)
COUNTY OF WESTCHESTER)
Office of the Clerk of the) ss:
TOWN OF YORKTOWN)

This is to certify, that I, Alice E. Roker, Town Clerk of the Town of Yorktown in the said County of Westchester, have compared the foregoing copy of the Town Board Resolution passed at the TOWN BOARD MEETING HELD ON September 2, 2014 with the original now on file in this office, and that the same is a correct and true transcript of such Town Board Minutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 4th day of September, 2014.

(SEAL)


Alice E. Roker, Town Clerk

LA6 – Peekskill Councilwoman Kathleen Talbot

20140915-0026 FERC PDF (Unofficial) 09/15/2014

Kathleen E. Talbot 410 Decatur Ave. • Peekskill, NY 10566

**RE: ALGONQUIN INCREMENTAL MARKET ("AIM") PROJECT:
FERC Docket No. CP 14-96-00**

ORIGINAL

September 5, 2014

To Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE Room 1
Washington, DC 20426

Dear Secretary Bose,

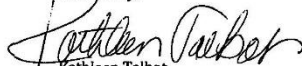
Please accept the following comments on the Draft Environmental Impact Statement (DEIS) for the proposed Algonquin Incremental Market (AIM) pipeline expansion project, particularly as it impacts Westchester and Putnam counties in New York State.

LA6-1 **I strongly urge FERC to withdraw the DEIS and take no further action on the application until all matters included in these herein are addressed in a revised DEIS.**

As a Councilwoman for the City of Peekskill, I have many concerns for the safety and wellbeing of my constituents in Peekskill and neighboring Cortlandt. My question concerns the Response Plan and preparation, including insurance, cost, staff, equipment, etc. that must be addressed satisfactorily before I will support this project moving forward. The company representatives who proposed this project were very inadequate in addressing these questions when presenting to our Council last month.

- **Response Plans:**
 - Have local communities coordinated among themselves to determine response plans?
 - Who is the financially responsible party to pay for the cost of preparing for a response in case of a catastrophic accident?
 - What is the level of insurance for accidents?
 - What happens if the level of insurance is breached and the insurance company goes out of business?
 - Is the carrier a top-level carrier?
 - Will Algonquin be held liable for any costs associated with an accident or emergency if their insurance coverage is inadequate?
 - Who bears responsibility for staff, training, and equipment to cover costs associated with preparing for a response plan?

Yours truly,


Kathleen Talbot
Councilwoman, City of Peekskill

LA6-1 See the responses to comments LA1-4, LA1-9, and LA1-10.

LA7 – Cortlandt Councilman Seth Freach

20140916-5036 FERC PDF (Unofficial) 9/16/2014 9:38:18 AM

Seth Freach, Cortlandt Manor, NY.
Comments on the Draft Environmental Impact Statement (DEIS) for Algonquin Gas Transmission, LLC's Algonquin Incremental Market (AIM) Project under Docket #CP14-96

Chairman LaFleur, Commissioners, and Staff,

LA7-1 The proposed AIM project would seek to expand the capacity of an existing natural gas transmission system largely by replacing existing pipes with bigger ones in their existing rights of way. There is a significant portion of the project, however, which would require entirely new rights of way, create new impact areas, and affect the quality of life, safety, and security of the human environment in a disproportionate manner. The section of the project I refer to is the new crossing of the Hudson River and subsequent traversal through the Hamlet of Verplanck and the Village of Buchanan, between MP 2.6 and MP 5.5.

Table 3.5.1-1 in the AIM DEIS report looks at both the proposed Hudson River crossing route and an assessed alternative route. The report states that the "total number of houses potentially affected by either route would be small". It even depicts in the table that either crossing would affect a number of homes totaling only in the single digits. The DEIS arrives at the conclusion that the currently proposed Hudson River crossing route is preferable because, in part, it will only "pass near" 5 houses. I find this conclusion flawed for several reasons and would ask the Commission to further evaluate the following three points:

LA7-2 1. The distance used in the table to quantify the phrase "passes near" is 150 feet. Later in the report, however, table 4.12.3-1 quantifies the Potential Impact Radius (PIR) at this section of pipeline as 844.9 feet. I would ask the Commission to compel the applicant to reassess Table 3.5.1-1 and to reassess the Hudson River crossing site selection using the PIR distances.

LA7-3 2. While not counted as a house, but still within even 150 feet of the new pipeline section, St. Patrick's church on 11th Street in Verplanck appears to have been ignored for the purposes of river crossing site selection. St. Patrick's is discussed in the DEIS as needing further consultation with regards to construction activities, but the first and oldest Catholic Church in our Historic Hudson Valley with its many families as parishioners, who think of the church as their religious home, were not deemed relevant for the river crossing site selection criteria.

LA7-4 3. Further up this new section of pipeline, the proposed path will bring the 42" pipeline's PIR to the Buchanan Verplanck Elementary School. This elementary school with 300 children in daily attendance along with faculty and staff represent an additional large population ignored by the river crossing site selection criteria.

LA7-5 Given the fact that of the land area between MP 2.6 and MP 5.5 is designated as a High Population Area and that all of structures therein, including homes, churches, and schools, have been designated as being in

LA7-1 Section 3.5.1 of the EIS, which compares the proposed Hudson River crossing to an alternative crossing location, has been updated to include the St Patrick's Church and Buchanan-Verplanck Elementary School. Also see the responses to comments SA1-8, SA1-9, and LA7-2.

LA7-2 While we have calculated the Potential Impact Radius (PIR) for all segments of the proposed pipeline, we do not consider the number of residences within the PIR to be a meaningful criterion for purposes of comparing alternative pipeline routes. As discussed in section 4.12.3 of the EIS, the risk of an incident is low at any given location. In contrast, the number of residences within 50 and 100 feet from the pipeline represent a much more important basis of comparison, in our experience. These nearby residences are very likely to experience some level of disruption/impact during construction, and to a lesser degree operation, of the pipeline. We find it reasonable that these shorter distance criteria based on high-probability impacts should significantly outweigh a PIR-based criterion associated with a low-probability occurrence, and therefore disagree with the comment recommending a PIR-based criterion be used in the alternatives comparison.

LA7-3 See the responses to comments SA1-8, LA7-1, and LA23-19.

LA7-4 See the responses to comments SA1-9 and LA7-1.

LA7-5 See the responses to comments LA7-1 and LA7-2.

LA7 – Cortlandt Councilman Seth Freach (cont'd)

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LA7-5
(cont'd) a High Consequence Area, I would ask the Commission to rule the Hudson River crossing site selection findings to be incomplete, and to call into question the statement that the proposed crossing site is advantageous because it will only "pass near" 5 houses.

LA7-6 Additionally, concerns about the cumulative effects posed by this application in conjunction with other existing and potential energy infrastructure were acknowledged in the DEIS. Unfortunately, while it can be said that the concerns were noted, the DEIS did not adequately address them. The DEIS spoke to various other projects and how each may (or may not) have a compounding impact with the AIM project. It did so, however, one-by-one for each external project independent of each other and of the bigger picture. The concerns raised by this community during the scoping period and since seek to have the cumulative effects of all current and potential energy infrastructure elements in the Verplanck, Buchanan, and Cortlandt area studied as a whole. My neighbors and myself seek a comprehensive analysis of how a catastrophic failure in any one piece of the overlaid energy infrastructures could affect the others. Further, a cumulative analysis would address the issues of physical security, environmental impacts, the heightened terrorism risk, health impacts, and the potential economic and energy loss to not only our local residents, but also the Tri-state region and the entire North Eastern United States.

LA7-7 My colleagues on the Cortlandt Town Board and I have been vocal in our concerns about this project for a long time. We were present at the FERC public scoping meeting last autumn. We have passed a resolution requesting additional time and dates from FERC for both public information and public comment sessions. I would ask the commission to very seriously consider these concerns and requests and to integrate them into your findings.

Thank you,

Seth Freach
Councilman, Town of Cortlandt
1 Heady Street
Cortlandt Manor, NY 10567

(914) 600-5486

LA7-6 See the responses to comments FA4-25, SA4-2, SA7-4, and CO7-6. We also note that safety impacts that do not exist would not ultimately result in a different cumulative impact because of any other infrastructure. The NRC's hazard analysis for the IPEC nuclear facility assumed a rupture in the pipeline, regardless of the cause (e.g., other cumulative projects or natural causes).

LA7-7 See the responses to comments FA4-1 and FA6-5.

LA8 – Hendrick Hudson School District, Superintendent Joseph Hochreiter

20140917-0008 FERC PDF (Unofficial) 09/17/2014

ORIGINAL

HENDRICK HUDSON SCHOOL DISTRICT
61 Trolley Road • Montrose, New York 10548 • Telephone (914) 257-5100
Fax (914) 257-5121 • www.henhudschools.org

JOSEPH E. HOCHREITER
Superintendent of Schools

ALICE S. GOTTLIER, Ed.D.
Assistant Superintendent for Curriculum,
Instruction and Professional Personnel

ENRIQUE CATALAN
Assistant Superintendent
for Business

September 11, 2014

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

Re: Docket CP14-96 – Algonquin/Spectra Gas Transmission, LLC

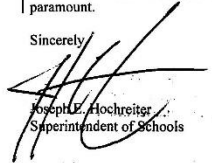
Dear Secretary Bose,

LA8-1 I respectfully request that the Commission consider the impact of the proposed new pipeline “loop” through the Hamlet of Verplanck and expanded pipeline through the Hendrick Hudson Central School District.

Several large energy and industrial facilities presently exist in proximity to the site of the proposed Algonquin landfill in Verplanck: Indian Point Nuclear Reactors 1, 2 & 3; Continental Gypsum Plant; RESCO garbage burning facility; power facilities in Stony Point and Haverstraw, NY; and, the 1000 MW Champlain-Hudson power cable, which FERC recently approved. Massive quantities of power, energy, and pollution are concentrated in a very small area of our community right now. How much more can one small community safely accommodate?

LA8-2 Algonquin’s route is dangerous. Within a mile from the proposed route you will find several of our schools. An explosion of a gas line of this magnitude in our area would be catastrophic. Our volunteer fire department is not equipped to handle such a disaster. The proposed pipeline will run under high voltage power lines, numerous fault lines, and close to what is proposed by West Point Partners a high voltage power converter station and 1,000 MW buried cable on the same property.

This project will substantially impact all who reside along the existing smaller gas line as this project cuts across Westchester County to Connecticut and beyond. The safety of our schools and students are paramount.

Sincerely,

Joseph E. Hochreiter
Superintendent of Schools

FEDERAL ENERGY
REGULATORY COMMISSION
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SECRETARY OF THE
COMMISSION

LA8-1 Cumulative impacts associated with the proposed Project and other projects in the vicinity of the Hamlet of Verplanck are evaluated in section 4.13 of the EIS.

LA8-2 Economic impacts associated with the Project, including public service infrastructure are discussed in section 4.9.3 of the EIS. We have determined that, in the event of a pipeline incident during construction, the anticipated demand for police, fire, and/or medical services would not exceed the capabilities of the emergency service infrastructure in the Project area. See also the responses to comments SA4-5, LA1-4, and LA1-9.

LA8 – Hendrick Hudson School District, Superintendent Joseph Hochreiter (cont'd)

20140917-0008 FERC PDF (Unofficial) 09/17/2014

RESOLUTION

(TO ENSURE PUBLIC SAFETY AND HEALTH REGARDING SPECTRA ENERGY ALGONQUIN INCREMENTAL MARKETS (AIM) NATURAL GAS PIPELINE, COMPRESSOR AND METERING STATIONS EXPANSION PROJECT)

WHEREAS, SPECTRA Energy proposed Algonquin Incremental Markets (AIM) natural gas pipeline would place an existing pipeline and related infrastructure on public and private lands over which they currently have easements and would create an additional crossing of the Hudson River from the Town of Cortlandt to Rockland County; and

WHEREAS, it is the desire of the Hendrick Hudson Central School District to be vigilant in raising issues for the Regulatory Authorities to consider and analyze as well as to work with the community in addressing their concerns; and

LA8-3 **WHEREAS**, that the location of the AIM pipeline within close proximity to the Indian Point Nuclear facility and the dry cask spent rod storage facility, intersecting with two (2) high voltage power lines and in close proximity to a significant seismic zone, poses a risk of damage with profound long term impacts on the region; and

WHEREAS, the proposed additional route traverses through residential neighborhoods coming within feet of Buchanan Verplanck Elementary School and public parks; and

LA8-4 **WHEREAS**, the proposed new route comes near the Buchanan power sub-station which provides a substantial part of the electricity for New York City and any damage to said facility due to a problem in the gas line would have devastating impacts on the surrounding community and the City of New York; and

LA8-5 **NOW, THEREFORE, BE IT RESOLVED**, the District does hereby raise its concerns with respect to the current proposed project and asks FERC to consider alternate routes and alternate construction methodologies in order to increase safety and limit the environmental impacts of this project; and

LA8-6 **BE IT FURTHER RESOLVED**, that the District opposes any construction of maintenance, facilities within the Town that would be located on environmentally sensitive land near schools; and

LA8-7 **BE IT FURTHER RESOLVED**, that this project be held to the highest environmental review standard allow by law; and

BE IT FURTHER RESOLVED, that the Superintendent of the Hendrick Hudson Central School District, Joseph E. Hochreiter, be and hereby is directed and authorized to enter these concerns into the record before FERC; and

LA8-3 See the responses to comments FA4-25, SA4-2, and SA7-4.

LA8-4 See the response to comment LA2-6.

LA8-5 Section 3.5.1 of the EIS evaluates an alternative to the proposed Hudson River in the vicinity of the IPEC nuclear facility that would follow Algonquin's existing right-of-way instead of the proposed route. We determined, as described more fully in section 3.5.1, that this alternative would not be preferable to the proposed route. We did not identify any other alternatives along the Stony Point Take-up and Relay segment where a deviation from the existing right-of-way would be preferable. In general, and with the exception of the Hudson River crossing area, we conclude that Algonquin's use of its existing right-of-way and installation of the new pipeline within its existing permanent right-of-way (generally in the same trench as the pipeline to be removed) would reduce impacts on wetlands, waterbodies, residences, and other resources. This is because it would avoid the creation of a new permanent pipeline corridor, impacts on new previously unaffected landowners, and the amount of forest clearing and new wetland impacts. We acknowledge the concerns about safety, but note that the risk of a pipeline incident at any location is low (see section 4.12.2 of the EIS). See also the responses to comments SA1-8 and SA1-9.

LA8-6 See the response to comment SA4-5.

LA8-7 See the response to comment LA2-11.

LA8 – Hendrick Hudson School District, Superintendent Joseph Hochreiter (cont'd)

20140917-0008 FERC PDF (Unofficial) 09/17/2014

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to the Federal Energy Regulatory Commission, the New York State DEC and all involved agencies with the request that the health, safety and planning concerns addressed herein and previously raised in the record by the Town be reviewed and considered before any further action is taken.

BY ORDER OF THE HENDRICK HUDSON CENTRAL SCHOOL DISTRICT
ROSANNE SQUILLANTE
DISTRICT CLERK

Adopted September 10, 2014
At a Regular Meeting Held at
Hendrick Hudson High School


V

LA8-8

The impacts noted, as well as mitigation measures, are discussed throughout the EIS.

**LA9 – City of Peekskill, Director of Planning and Development,
Michael Welti**

20140918-0028 FERC PDF (Unofficial) 09/18/2014



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FEDERAL ENERGY
REGULATORY COMMISSION

**CITY OF PEEKSKILL
CITY HALL
Peekskill, New York 10566**

September 10, 2014

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St. NE
Washington, DC 20426

PF13-16


Re: City of Peekskill Resolution Regarding the Algonquin Incremental Market Natural Gas Pipeline Project

Dear Kimberly D. Bose,

LA9-1 On August 11, 2014, the City of Peekskill Common Council adopted a resolution identifying its concerns and recommendations regarding the Spectra Energy Partners Algonquin Incremental Market Natural Gas Pipeline Project. This project will have a direct impact on Peekskill. Given the nature and scope of the project, the Common Council wanted to memorialize and share their thoughts with the pertinent agencies that are involved.

Enclosed for your review and consideration, please find a copy of the resolution. Please feel free to contact me if you should have any questions.

Sincerely,


Michael A. Welti, AICP
Director of Planning and Development

Department of Planning and Development • 840 Main Street • Peekskill, NY • 10566 (914) 734-4210 • Fax (914) 737-2688

LA9-1 Comment noted.

**LA9 – City of Peekskill, Director of Planning and Development,
Michael Welti (cont'd)**

	<p>RESOLUTION TO ENSURE PUBLIC SAFETY AND HEALTH REGARDING SPECTRA ENERGY'S ALGONQUIN INCREMENTAL MARKET (AIM) NATURAL GAS PIPELINE, COMPRESSOR AND METERING STATIONS EXPANSION PROJECT</p>	
	<p>WHEREAS, Spectra Energy's proposed Algonquin Incremental Market (AIM) Natural Gas Pipeline would replace an existing gas pipeline and related infrastructure on public and private lands at the southern edge of the City of Peekskill with a larger, 42-inch diameter high-pressure pipeline in generally the same location; and</p>	
20140918-0029	<p>WHEREAS, the Common Council of the City of Peekskill has an interest in ensuring the health and safety of the people who live and work in this area and elsewhere in the community and surrounding region; and</p>	LA9-2 See the responses to comments SA4-1, SA4-9, and LA5-1.
LA9-3	<p>WHEREAS, Algonquin Gas Transmission, LLC, a wholly-owned subsidiary of Spectra Energy Partners, submitted Resource Report #9 in Docket # CP14-96-000 which does not reflect aggregate (existing and proposed) and cumulative emissions from compressor stations, metering stations, and pipelines in the entire Algonquin Incremental Market project; and</p>	
	<p>WHEREAS, peer-reviewed scientific studies indicate that emissions from compressor stations and other shale gas infrastructure are associated with negative health impacts; and</p>	
	<p>WHEREAS, peer-reviewed scientific studies and the World Health Organization link exposure between air pollution and neurological, cardiovascular, respiratory and other health impacts; and</p>	
	<p>WHEREAS, the current emissions will be significantly increased by the expansion of the Southeast and Stony Point compressor stations, and other gas pipeline infrastructure and operations (including but not limited to metering and regulating stations, pipelines, valves, fittings and pigging operations) and the tri-state region including Rockland, Westchester, and Putnam counties is already considered a non-attainment zone for air quality standards according to the U.S. Environmental Protection Agency and exceeds the limits for pollutants such as ground level ozone and particulate matter; and</p>	LA9-3 See the response to comment SA4-3.
LA9-3	<p>WHEREAS, there is presently no advanced notification for all planned compressor station and other gas pipeline infrastructure and operations blowdowns, either full or partial, or immediately following any unplanned partial or full blowdowns in order for residents and public officials to take prompt emergency measures; and</p>	
LA9-4	<p>WHEREAS, the location of the AIM pipeline within close proximity to the Indian Point Nuclear Facility and 40 years of spent fuel rods, intersecting with two proposed high voltage power lines, and in close proximity to a significant seismic zone, poses a risk of catastrophic damage with profound long-term impacts on the region; and</p>	LA9-4 See the responses to comments FA4-25, SA4-2, and SA7-4.
LA9-5	<p>WHEREAS, materials and contaminants in the gas pipeline include Radium precipitate, Radon and its decay products, Lead and Polonium, many of which are known carcinogens; and</p>	LA9-5 See the response to comment SA4-4.
	<p>WHEREAS, Algonquin Gas Transmission, LLC (AGT) has safely operated pipelines in Peekskill and Westchester County for more than 60 years; and</p>	
	<p>WHEREAS, the AIM project will utilize local union labor and provide more than 300 short-term construction related jobs in Westchester County; and</p>	
LA9-6	<p>WHEREAS, the Common Council of the City of Peekskill is concerned about potential adverse environmental impacts during construction and subsequent operation of this pipeline, including but not limited to impacts to wetlands and to water quality in the Dickie Brook (a bordering stream), impacts to the Blue Mountain Reservation, impacts to health, safety, and property values in adjoining neighborhoods, impacts to city infrastructure (roads, bridges, culverts, utilities, etc.), and impacts to local and county emergency services; and</p>	LA9-6 Potential impacts and mitigation measures for wetlands are discussed in section 4.4.3.1 of the EIS. A dry crossing method is proposed for Dickey Brook. Potential impacts and mitigation measures for the waterbody crossings are discussed in section 4.3.2.6 of the EIS.
LA9-7	<p>WHEREAS, such potential adverse environmental impacts would typically be evaluated through an Environmental Impact Statement (EIS) according to the State Environmental Quality Review (SEQR) Act and appropriate alternatives and mitigation strategies examined;</p>	LA9-7 See the responses to comments LA1-4, LA1-9, LA5-2, and LA8-2.

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**LA9 – City of Peekskill, Director of Planning and Development,
Michael Welti (cont'd)**

LA9-8	NOW, THEREFORE, BE IT RESOLVED that an independent air emissions baseline assessment be conducted in the areas directly impacted by the proposed compressor and metering and regulating station modifications before permitting, and be monitored by an independent expert acceptable to industry, local government officials, advocates and the public, funded by Spectra Energy, and that continuous emissions monitoring be conducted and results of the continuous monitoring of air, water, land and all other environmental impacts be reported daily to the New York State Department of Environmental Conservation the United States Department of Environmental Protection Agency and made available to the public in a transparent manner; and be it
LA9-9	
LA9-10	FURTHER RESOLVED, that the best available mitigation technologies and practices be required to be installed on all components of the existing and proposed expansion of Algonquin Pipeline's compressor and metering stations including electric compressor engines, zero emission dehydrators, blowdown prevention, vapor recovery units, and methane capturing equipment and practices outlined by the U.S. Environmental Protection Agency, and if gas-driven engines are used instead of preferred electric engines, that selective catalytic reduction must be installed; and be it
20: LA9-11	FURTHER RESOLVED, effective immediately, advanced notification of all planned blowdowns, either full or partial, and notification within 30 minutes following any unplanned partial or full blowdowns of the Stony Point and Southeast compressor stations and other gas pipeline infrastructure and operations (including but not limited to metering and regulating stations, pipelines, valves, fittings, and pigging operations) be given to the City of Peekskill and also to the County of Westchester in order to alert all residents, police, fire departments and municipalities within Westchester County; and be it
LA9-12	FURTHER RESOLVED, that a comprehensive and transparent Health Impact Assessment (HIA), as outlined by the Centers for Disease Control and the National Academy of Sciences, be conducted by an independent entity acceptable to industry, local government officials, advocates and the public, and funded by Spectra Energy; and be it FURTHER RESOLVED, that this comprehensive and transparent Health Impact Assessment (HIA) cover cumulative short-term and long-term as well as direct and indirect impacts of all infrastructure components and operations of the AIM project, including compressor stations emissions and blowdowns, metering and regulating stations emissions, and pipeline leakage prior to construction, during construction, during normal operations and during blowdowns and accidental release events, with a thorough analysis of all materials and contaminants in the pipeline, including Radium precipitate, Radon and its decay products, Lead and Polonium, and with a thorough analysis of the proposed Pipeline Inspection Gauge (PIG) launching staging areas and the handling, storage, cleaning, and disposal of PIGs, PIG wastewater, PIG launcher and all other associated equipment with PIG operations; and be it
LA9-13	FURTHER RESOLVED, that a comprehensive, independent and transparent risk assessment of the potential catastrophic explosion of a 42" diameter high-pressure pipeline in close proximity to Indian Point Nuclear Facility and a significant seismic zone be conducted, and that assessment should be funded by Spectra Energy, to be completed in accordance with CFR Federal Law 50.59 and 10 CFR 100.20 regarding changes to site; and be it
LA9-14	FURTHER RESOLVED, that the Common Council of the City of Peekskill opposes any construction of maintenance facilities located near schools, parks, houses of worship, business or residential districts or any other population centers and any current existing facilities near such locations be moved along the right-of-way; and be it
LA9-15	FURTHER RESOLVED that Spectra Energy comply with New York State Law since it has one of the highest standards of environmental protection by undergoing a full Environmental Impact Statement to comply with the requirements of the New York State Environmental Quality Review Act and minimize and mitigate any negative environmental impacts; and be it
LA9-16	FURTHER RESOLVED, that the City of Peekskill is an Environmental Justice city as classified by the New York State Department of Environmental Conservation and the application should be judged accordingly; and be it
LA9-17	FURTHER RESOLVED, that the Common Council of the City of Peekskill urges all approving agencies to condition any action on the application upon Spectra providing evidence of insurance in the amount of \$1.3 Billion, the estimated cost of construction, issued by an A-rated insurance carrier for construction and post-construction; and be it

LA9-8 See the response to comment SA4-9.

LA9-9 See the response to comment LA4-6.

LA9-10 See the responses to comments FA4-23, SA4-11, and LA4-7.

LA9-11 See the response to comment SA4-3.

LA9-12 See the response to comment SA4-10.

LA9-13 See the responses to comments FA4-25 and SA4-2.

LA9-14 See the responses to comments SA4-5 and LA5-14.

LA9-15 See the response to comment SA4-15.

LA9-16 Section 4.9.10 of the EIS provides an environmental justice analysis, which recognizes the census tract in Peekskill crossed by the proposed pipeline as an environmental justice community. We have determined, and EPA agreed in its comments on the draft EIS, that environmental justice communities would not be disproportionately affected by the proposed Project. See also the response to comment FA4-16.

LA9-17 See the response to comment LA1-10.

**LA9 – City of Peekskill, Director of Planning and Development,
Michael Welti (cont'd)**

LA9-18 | FURTHER RESOLVED, that a copy of this resolution be sent to the Federal Energy Regulatory Commission and all Involved Agencies with the request that the health, safety and planning concerns stated in this resolution be addressed and mitigated in the environmental review and all other review processes before project permissions are granted, and be it

FURTHER RESOLVED, that this Resolution take effect immediately.

L:\RESO\2014 RESOLUTIONS\08112014\LA-6 RESO REGARDING SPECTRA ENERGY'S APM PIPELINE - AS MODIFIED AND ADOPTED 8-11-14.DOC

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CERTIFIED COPY
August 13, 2014 DATE
[Signature]
CITY CLERK AND REGISTRAR

ADOPTED AUGUST 11, 2013

LA9-18 The impacts noted, as well as mitigation measures, are discussed throughout the EIS.

LA10 – Westchester County Legislator Michael Kaplowitz

09/14/2014 23:07	(FA0)	P.001/002
ORIGINAL		
September 15, 2014		
Kimberly D. Bose, Secretary Federal Energy Regulatory Commission 888 First Street NE, Room 1 Washington, DC 20426		
FILED SECRETARY OF THE COMMISSION		
2014 SEP 22 A 11:12		
FEDERAL ENERGY REGULATORY COMMISSION		
RE: Draft Environmental Impact Statement ("DEIS") for Algonquin Incremental Market ("AIM") Project: FERC Docket No. CP 14-96-00		
Dear Secretary Bose,		
LA10-1	As elected officials representing constituents impacted by the Spectra Algonquin Incremental Market ("AIM") project (the "Project"), we believe that the Draft Environmental Impact Statement ("DEIS") released by the Federal Energy Regulatory Commission (the "Commission") on August 6, 2014 is inadequate as a National Environmental Policy Act document, and we urge the Commission not to further consider the proposed Project for approval until each of the deficiencies and omissions identified in Section 5.5 of the DEIS is completed and made available for review and public comment. Additionally, we request a minimum of a ninety day public comment period upon release of a fully complete Supplemental Draft Environmental Impact Statement.	
LA10-2	The Commission's DEIS is supposed to address the numerous environmental impacts that may be caused by the proposed Project. Given the size and scope of the Project and the complex issues addressed in the more than 900 page DEIS, we believe a comment period of just over fifty (50) days is insufficient to permit our constituents and ourselves to review the proposed plan and its impact on our state, counties, local communities, and economy. Public meetings and a detailed review of the DEIS have yielded substantial concerns that have deepened and become more numerous as review of the document has continued.	
LA10-3	A review of the DEIS reveals that virtually no aspect of the document is complete. The deficiencies are pervasive and substantial. Taken together they deprive the public of a meaningful opportunity to comment on the proposed plans and fail to impose enforceable mitigation requirements prior to permitting. Significant omissions from the DEIS include, but are not limited to, the following:	
LA10-4	<ul style="list-style-type: none"> Final conclusions on safety-related conflicts with the Indian Point nuclear energy facility are not provided (Section 4.12.3); 	
LA10-5	<ul style="list-style-type: none"> A Field Sampling Plan for potential soil contamination is not provided (Section 4.2.2.6); 	
LA10-6	<ul style="list-style-type: none"> NYS DOS approval of consistency assessment for Hudson Crossing has 	

LA10-1 See the response to comment FA4-1.

LA10-2 See the response to comment FA6-5.

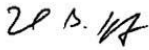
LA10-3 See the response to comment FA4-1.

LA10-4 See the responses to comments FA4-1 and FA4-25.

LA10-5 See the response to comment SA1-5.

LA10-6 See the response to comment SA1-6.

**LA10 – Westchester County Legislator Michael Kaplowitz
(cont'd)**

09/14/2014 06:47 9147558356 KAPLOWITZ, FRIEDMAN PAGE 02/02	
LA10-7	• Design modifications for New York M&R stations are not complete (Section 4.11.1.2);
LA10-8	• A Site Specific construction plan for St. Patrick Church is not provided (Section 4.8.5.1);
LA10-9	• A Site Specific construction plan for Buchanan-Verplanck Elementary is not provided (Section 4.8.5.1);
LA10-10	The Supplemental Draft Environmental Impact Statement should also include the risk assessments, environmental baseline testing, and other concerns that are called for in resolutions passed by many government administrations in our area.
LA10-11	Additionally, residents recently learned of a second pipeline expansion project, the Spectra Atlantic Bridge project, which will impact the same areas and extend the construction periods in the affected regions. The cumulative impacts of the two projects should be considered together not segmented. Our constituents must be allowed to review and comment on the full scope of the planned expansion of this pipeline before any approval is issued.
LA10-12	Therefore, we request that the DEIS be withdrawn until all issues are fully addressed in a Supplemental Draft Environmental Impact Statement and that a new public comment period of no less than ninety days commence upon its release.
Thank you very much for your prompt consideration of this request.	
Sincerely,	
 Michael D. Kaplowitz Chairman, Westchester County Board of Legislators Chairman, Westchester County Board of Legislators	

- LA10-7 See the responses to comments FA4-1 and SA1-7.
- LA10-8 See the responses to comments FA4-1 and SA1-8.
- LA10-9 See the responses to comments FA4-1 and SA1-9.
- LA10-10 See the responses to comment letters LA1, LA2, LA4, LA5, LA8, LA9, LA22, LA31, and LA32.
- LA10-11 See the responses to comments FA3-5 and FA6-5.
- LA10-12 See the responses to comments FA4-1 and FA6-5. We believe the analysis in the draft EIS and the revised analysis in the final EIS are appropriate and does not warrant the need for a supplemental draft EIS.

LA11 – Yorktown Councilman Vishu Patel

September 15, 2014

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1
Washington, DC 20426

RE: Draft Environmental Impact Statement ("DEIS") for
Algonquin Incremental Market ("AIM") Project:
FERC Docket No. CP 14-96-00

Dear Secretary Bose,

As elected officials representing constituents impacted by the Spectra Algonquin Incremental Market ("AIM") project (the "Project"), we believe that the Draft Environmental Impact Statement ("DEIS") released by the Federal Energy Regulatory Commission (the "Commission") on August 6, 2014 is inadequate as a National Environmental Policy Act document, and we urge the Commission not to further consider the proposed Project for approval until each of the deficiencies and omissions identified in Section 5.5 of the DEIS is completed and made available for review and public comment. Additionally, we request a minimum of a ninety day public comment period upon release of a fully complete Supplemental Draft Environmental Impact Statement.

The Commission's DEIS is supposed to address the numerous environmental impacts that may be caused by the proposed Project. Given the size and scope of the Project and the complex issues addressed in the more than 900 page DEIS, we believe a comment period of just over fifty (50) days is insufficient to permit our constituents and ourselves to review the proposed plan and its impact on our state, counties, local communities, and economy. Public meetings and a detailed review of the DEIS have yielded substantial concerns that have deepened and become more numerous as review of the document has continued.

A review of the DEIS reveals that virtually no aspect of the document is complete. The deficiencies are pervasive and substantial. Taken together they deprive the public of a meaningful opportunity to comment on the proposed plans and fail to impose enforceable mitigation requirements prior to permitting. Significant omissions from the DEIS include, but are not limited to, the following:

- Final conclusions on safety-related conflicts with the Indian Point nuclear energy facility are not provided (Section 4.12.3);
- A Field Sampling Plan for potential soil contamination is not provided (Section 4.2.2.6);
- NYSDOS approval of consistency assessment for Hudson Crossing has not been obtained (Section 4.8.4.1);

LA11-1 See the response to comment FA4-1.

LA11-2 See the response to comment FA6-5.

LA11-3 See the response to comment FA4-1.

LA11-4 See the responses to comments FA4-1 and FA4-25.

LA11-5 See the response to comment SA1-5.

LA11-6 See the response to comment SA1-6.

LA11 – Yorktown Councilman Vishu Patel (cont'd)

not been obtained (Section 4.8.4.1);

LA11-7 | • Design modifications for New York M&R stations are not complete (Section 4.11.1.2);

LA11-8 | • A Site Specific construction plan for St. Patrick Church is not provided (Section 4.8.5.1);


LA11-9 | • A Site Specific construction plan for Buchanan-Verplanck Elementary is not provided (Section 4.8.5.1);

LA11-10 | The Supplemental Draft Environmental Impact Statement should also include the risk assessments, environmental baseline testing, and other concerns that are called for in resolutions passed by many government administrations in our area.

LA11-11 | Additionally, residents recently learned of a second pipeline expansion project, the Spectra Atlantic Bridge project, which will impact the same areas and extend the construction periods in the affected regions. The cumulative impacts of the two projects should be considered together not segmented. Our constituents must be allowed to review and comment on the full scope of the planned expansion of this pipeline before any approval is issued.

LA11-12 | Therefore, we request that the DEIS be withdrawn until all issues are fully addressed in a Supplemental Draft Environmental Impact Statement and that a new public comment period of no less than ninety days commence upon its release.

Thank you very much for your prompt consideration of this request.

Sincerely,

 Vishnu v. Patel 9/15/2014

Councilman Town of Yorktown

363 Underhill Avenue

Yorktown Heights NY 10598

914-962-4563

- LA11-7 See the responses to comments FA4-1 and SA1-7.
- LA11-8 See the responses to comments FA4-1 and SA1-8.
- LA11-9 See the responses to comments FA4-1 and SA1-9.
- LA11-10 See the responses to comment letters LA1, LA2, LA4, LA5, LA8, LA9, LA22, LA31, and LA32.
- LA11-11 See the responses to comments FA3-5 and FA6-5.
- LA11-12 See the responses to comments FA4-1 and FA6-5. We believe the analysis in the draft EIS and the revised analysis in the final EIS are appropriate and does not warrant the need for a supplemental draft EIS.

LA12 – Town of Dedham

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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

DOCKET NOS. CP14-96-000
PF13-16-000

ALGONQUIN GAS TRANSMISSION, LLC

TOWN OF DEDHAM'S MOTION FOR
LATE INTERVENTION

The Town of Dedham, Massachusetts ("Dedham") hereby moves that the Federal Energy Regulatory Commission ("Commission") grant Dedham leave to intervene in the above matter, pursuant to 18 CFR 385.214(d). As reasons therefor, Dedham states as follows:

1. The above matter concerns an application for the construction of a natural gas transmission pipeline and other facilities ("Project"). Several miles of the pipeline will be located within Dedham, within the right of way of public streets and on other property owned by Dedham.
2. The Commission published the Notice of Application for the Project on March 18, 2014. The Notice of Application stated that a party seeking to become a party to the proceedings for the Project should file a motion to intervene by April 8, 2014, the date listed for comments on the application ("Comment Date").
3. On March 25, 2014, the former Dedham Town Administrator wrote a letter to the Commission concerning the Project ("Letter"). In the Letter, the Town Administrator stated that "the Town of Dedham would like to be added as an intervener in the project." The Letter was received by the Commission on March 31, 2014, prior to the Comment Date. A copy of the Letter is attached hereto as Exhibit A.
4. Notwithstanding Dedham's stated and timely request to be a party to the proceeding, the current service list for the Project application does not list Dedham as a party.

LA12-1

LA12-1

A review of the current service list for this docket indicates that The Town of Dedham has been added as a party to the proceeding.

LA12 – Town of Dedham (cont'd)

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LA12-1
(cont'd)

5. Dedham was not aware that it had not been listed as a party in this proceeding until reviewing the service list on September 17, 2014.
6. Had Dedham become aware, prior to the Comment Date, that the Letter was insufficient to establish Dedham's status as a party, Dedham would have submitted another document labeled as a motion to intervene, prior to the Comment Date.
7. Dedham and its residents will be directly affected by the construction and operation of the pipeline within the municipality. The pipeline is proposed to be installed within public streets that pass through a business park, commercial areas, and residential areas. The pipeline route, as proposed, will also cross through a municipal

LA12-2

park, thus directly affecting Dedham's interests as a landowner. Dedham has concerns as to construction-related impacts on the safety and convenience of residents and businesses, and as to the impacts of the completed pipeline on public health and safety.

LA12-3

8. Where Dedham intended to become a party in this matter, expressed that intent prior to the Comment Date, and believed in good faith that its Letter did, in fact, provide it with the status of a party, there is good cause for Dedham to have not filed a separate motion to intervene previously, and for the Commission to now allow Dedham to intervene.
9. The allowance of this motion will not disrupt or delay the proceeding. The Commission recently issued the draft Environmental Impact Statement (for which comments and motions to intervene will be accepted through September 29, 2014), and, therefore, the Commission has not yet issued a decision on the Application.

LA12-2 See the responses to comments FA6-3 and SA4-5.

LA12-3 A review of the current service list for this docket indicates that The Town of Dedham has been added as a party to the proceeding.

LA12 – Town of Dedham (cont'd)

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LA12-3
(conf'd)

10. No prejudice to, or additional burdens upon, the existing parties will result from allowing Dedham's motion to intervene.

WHEREFORE, the Town of Dedham respectfully requests that this Motion for Late Intervention be allowed.

TOWN OF DEDHAM

By its attorneys,


Lauren F. Goldberg (BBO# 631013)
John J. Goldrosen (BBO# 634434)
Kopelman and Paige, P.C.
Town Counsel
101 Arch Street, 12th Floor
Boston, MA 02110-1109
(617) 556-0007
lgoldberg@k-plaw.com
jgoldrosen@k-plaw.com

Date: 9-19-14

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LA12 – Town of Dedham (cont'd)

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Michael L. Butler, Chairman
James A. MacDonald, Vice Chairman
Carmen E. Dellolaccone
Sarah E. MacDonald
Paul A. Reynolds

William G. Keegan, Jr.
Town Administrator

Nancy A. Baker
Asst. Town Administrator


TOWN OF DEDHAM
Board of Selectmen

DEDHAM TOWN HALL
26 BRYANT STREET
P.O. BOX 306
DEDHAM, MA 02027

TEL (781) 751-8100
FAX (781) 751-8109
TDD (781) 326-4946

WEB SITE
www.dedham-ma.gov

E-mail Address for Board of Selectmen
fbshidees@dedham-ma.gov

March 25, 2014

Kimberly D Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20406

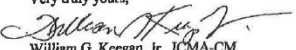
RE: Algonquin Gas Incremental Market Project
Docket Numbers: PF13-16-000
CP14-96-000

DEAR Ms. Bose

Algonquin Gas Transmission, LLC has filed its application with the Federal Energy Regulatory Commission and the Town of Dedham would like to be added as an intervener in the project. This project will pass within feet from our residents' homes and we want to ensure that the project is safe.

Please be advised that on April 11, 2014, I will be leaving my post as Town Administrator for a new position as Town Manager of Foxborough, MA. After that date Nancy Baker will be serving as the Interim Town Administrator while the search process for my replacement is conducted. Ms. Baker will, along with our DPW Director- Joe Flanagan and Town Engineer- Jason Mammone will very competently keep the Town and the Board of Selectmen fully apprised of all actions associated with this construction project. Ms. Baker can be reached at the same address and telephone numbers listed above. Her e-mail address is nbaker@dedham-ma.gov.

Thank you for assistance in this matter.

Very truly yours,

William G. Keegan, Jr., ICMA-CM
Town Administrator

Cc: Board of Selectmen
Asst. Town Administrator
DPW Director
Town Engineer

EXHIBIT "A"

RECEIVED
FEDERAL ENERGY
REGULATORY COMMISSION
MAR 31 A 11:20

LA12-4 See the responses to comments FA6-3 and SA4-5.

LA13 – Town of Dedham’s Motion to Intervene

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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

DOCKET NOS. CP14-96-000
PF13-16-000

ALGONQUIN GAS TRANSMISSION, LLC

TOWN OF DEDHAM'S MOTION TO
INTERVENE ON BASIS OF DRAFT
ENVIRONMENTAL IMPACT
STATEMENT

LA13-1

The Town of Dedham, Massachusetts ("Dedham") hereby moves that the Federal Energy Regulatory Commission ("Commission") grant Dedham leave to intervene in the above matter, pursuant to 18 CFR 380.10 and 18 CFR 385.214. As reasons therefor, Dedham states as follows:

1. The above matter concerns an application for the construction of a natural gas transmission pipeline and other facilities ("Project"). Several miles of the pipeline will be located within Dedham, within the right of way of public streets and on other property owned by Dedham.
2. The Commission published the "Notice of Availability of the Draft Environmental Impact Statement for the Proposed Algonquin Incremental Market Project" ("Notice of Availability") on August 6, 2014. Pursuant to the Notice of Availability, the period within which to file comments on the draft Environmental Impact Statement ("EIS") extends until September 29, 2014. Under 18 CFR 380.10(a)(1), a motion to intervene on the basis of the draft EIS is timely if it is filed within the comment period.
3. Dedham and its residents will be directly affected by the construction and operation of the pipeline within the municipality. The pipeline is proposed to be installed within public streets that pass through a business park, commercial areas, and residential areas. The pipeline route, as proposed, will also cross through a municipal

LA13-1 A review of the current service list for this docket indicates that The Town of Dedham has been added as a party to the proceeding.

LA13 – Town of Dedham's Motion to Intervene (cont'd)

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LA13-1
(cont'd)

park, thus directly affecting Dedham's interests as a landowner. Dedham has concerns as to construction-related impacts on the safety and convenience of residents and businesses, and as to the impacts of the completed pipeline on public health and safety.

4. Further, Dedham has a direct interest in the consideration of alternatives to the Project and to the route selected by the Project, as such alternatives might reduce the impacts on Dedham and its residents.
5. For these reasons, Dedham seeks to be involved as a party to this proceeding.
6. Dedham is filing, concurrently, a Motion for Late Intervention, which seeks to be allowed to intervene as a party in the proceeding as a whole. If the Motion for Late Intervention is allowed, this present motion may not be necessary, but Dedham is filing the present motion in the event that its Motion for Late Intervention is not allowed.

WHEREFORE, the Town of Dedham respectfully requests that this Motion to Intervene on Basis of Draft Environmental Impact Statement be allowed.

TOWN OF DEDHAM


By its attorneys,


Lauren F. Goldberg (BBO# 631013)
John J. Goldrosen (BBO# 634434)
Kopelman and Paige, P.C.
Town Counsel
101 Arch Street, 12th Floor
Boston, MA 02110-1109
(617) 556-0007
lgoldberg@k-plaw.com
jgoldrosen@k-plaw.com

Date: 9.19.14
506393/DEDH/0001

LA14 – Boston Councilwoman Michelle Wu

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MICHELLE WU
BOSTON CITY COUNCIL

Docket #CP14-96-000

September 16, 2014

Members of FERC,

LA14-1 I write to you regarding my concerns and the concerns of my constituents about the Algonquin Pipeline expansion (AIM) project, specifically the five mile spur that travels through the town of Dedham and into the Boston neighborhood of West Roxbury. Over the last nine months, I've learned of this proposal in bits and pieces from my constituents, from Spectra's community meeting on September 3, 2014, and from FERC's public comment session on September 8, 2014. My concerns fall into four general categories: safety, construction impacts, the necessity of the five mile spur, and the lack of public awareness of this project.

LA14-2 Safety: The proposed route of a West Roxbury Lateral down Centre Street would run extremely close to the active quarry owned by West Roxbury Crushed Stone at 10 Grove Street and the proposed metering station across the street from the quarry. While proponents have stated to the abutters of the pipeline that these factors do not create increased chances of leaks or explosions, I believe that this proposed route and metering station creates an unnecessary risk that could easily be mitigated by altering the route. As it stands, the residents of Dedham and West Roxbury carry the brunt of the risks associated with the entire Algonquin Pipeline proposal, as 64% of all residential areas and 54% of all commercial areas that the pipeline passes through lie in West Roxbury and Dedham. These are overwhelming numbers, and I share deeply in my constituents' concerns for safety and disproportionate risk..

LA14-3 Construction Impacts: If the proposed West Roxbury Lateral is approved, the construction impacts will be felt by residents across West Roxbury, hitting direct abutters hardest. Grove and Centre Streets are two lane roads that are heavily frequented by motor vehicle traffic. Any lane closures, no matter the length of time, disrupt the quality of life of neighborhood residents. Therefore, construction and the subsequent lane closures should be undertaken only when they are completely necessary, and no information I have in regard to this project has indicated such a requirement.

LA14-4 Necessity of the spur: As mentioned, I have concerns regarding the necessity of the proposed five mile spur known as the West Roxbury Lateral. When one looks at Spectra's overall proposal, it becomes apparent that the West Roxbury Lateral represents a small fraction of the pipeline and is not an essential or necessary piece of it overall. We have been told that the Lateral is a response to a request from National Grid for increased capacity, citing demand from customers. I contend that the concerns of the direct abutters of this proposal, as well as those of the West Roxbury neighborhood at large should be weighed equally if not more heavily than the gas company that will distribute this product throughout the immediate region.

BOSTON CITY HALL, ONE CITY HALL SQUARE, BOSTON, MASSACHUSETTS, 02201
617-635-3115 • FAX: 617-635-4203 • MICHELLE.WU@BOSTON.GOV

PRINTED ON RECYCLED PAPER

LA14-1 Comment noted.


LA14-2 See the responses to comments FA6-1 and SA4-5. We also note an existing natural gas distribution pipeline operated by National Grid is currently located in between the West Roxbury Lateral/M&R station and the quarry (i.e. closer to the quarry and its blasting operations).

LA14-3 Section 4.9.5.2 and appendix G of the EIS have been updated to include additional information on potential traffic-related impacts and measures to be implemented to prevent unnecessary delays to the motoring public during construction of the West Roxbury Lateral.

LA14-4 While the Roxbury Lateral may represent a "small fraction" of the overall Project, which cannot be met through Algonquin's existing infrastructure, Algonquin maintains that the purpose and need of the West Roxbury Lateral is to provide gas to one or more of the shippers that have executed precedent agreements for pipeline capacity. Taking into consideration the environmental impacts identified in the EIS, the Commission will determine whether to Project facilities are in the public convenience and necessity when deciding whether to approve or deny the Project.

LA14 – Boston Councilwoman Michelle Wu (cont'd)


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MICHELLE WU
BOSTON CITY COUNCIL

LA14-5 Lack of public awareness: Finally I ask that FERC extend the comment period past September 29, 2014, so the residents of West Roxbury who wish to learn more about the proposed West Roxbury Lateral and give feedback have ample time to do so. Prolonging the comment period would increase community input and allay some of the continued concerns my constituents and I share around lack of public awareness regarding this process and project.

LA14-6 I appreciate the opportunity to voice my concerns around Spectra's proposed West Roxbury Lateral and look forward to a productive and inclusive process regarding the future of this proposal. Until or unless such a process occurs, I cannot support this pipeline project based on the current information available.

Sincerely,

Michelle Wu
Boston City Councilor At-Large

BOSTON CITY HALL, ONE CITY HALL SQUARE, BOSTON, MASSACHUSETTS, 02201
617-635-3115 • FAX: 617-635-1203 • MICHELLE.WU@BOSTON.GOV

PRINTED ON RECYCLED PAPER

LA14-5 See the response to comment FA6-5.

LA14-6 Comment noted.

LA15 – North Salem Councilwoman Amy Rosmarin

20140924-4022 FERC PDF (Unofficial) 09/24/2014

September 15, 2014

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1
Washington, DC 20426

**RE: Draft Environmental Impact Statement ("DEIS") for
Algonquin Incremental Market ("AIM") Project;
FERC Docket No. CP 14-96-00**

Dear Secretary Bose,

As elected officials representing constituents impacted by the Spectra Algonquin Incremental Market ("AIM") project (the "Project"), we believe that the Draft Environmental Impact Statement ("DEIS") released by the Federal Energy Regulatory Commission (the "Commission") on August 6, 2014 is inadequate as a National Environmental Policy Act document, and we urge the Commission not to further consider the proposed Project for approval **until each of the deficiencies and omissions identified in Section 5.5 of the DEIS is completed and made available for review and public comment. Additionally, we request a minimum of a ninety day public comment period upon release of a fully complete Supplemental Draft Environmental Impact Statement.**

The Commission's DEIS is supposed to address the numerous environmental impacts that may be caused by the proposed Project. Given the size and scope of the Project and the complex issues addressed in the more than 900 page DEIS, we believe a comment period of just over fifty (50) days is insufficient to permit our constituents and ourselves to review the proposed plan and its impact on our state, counties, local communities, and economy. Public meetings and a detailed review of the DEIS have yielded substantial concerns that have deepened and become more numerous as review of the document has continued.

A review of the DEIS reveals that virtually no aspect of the document is complete. The deficiencies are pervasive and substantial. Taken together they deprive the public of a meaningful opportunity to comment on the proposed plans and fail to impose enforceable mitigation requirements prior to permitting. Significant omissions from the DEIS include, but are not limited to, the following:

- LA15-4 • Final conclusions on safety-related conflicts with the Indian Point nuclear energy facility are not provided (Section 4.12.3);
- LA15-5 • A Field Sampling Plan for potential soil contamination is not provided (Section 4.2.2.6);
- LA15-6 • NYSDOS approval of consistency assessment for Hudson Crossing has not been obtained (Section 4.8.4.1);
- LA15-7 • Design modifications for New York M&R stations are not complete (Section 4.11.1.2);

LA15-1 See the response to comment FA4-1.

LA15-2 See the response to comment FA6-5.

LA15-3 See the response to comment FA4-1.

LA15-4 See the responses to comments FA4-1 and FA4-25.

LA15-5 See the response to comment SA1-5.

LA15-6 See the response to comment SA1-6.

LA15-7 See the responses to comments FA4-1 and SA1-7.

LA15 – North Salem Councilwoman Amy Rosmarin (cont'd)

20140924-4022 FERC PDF {Unofficial} 09/24/2014

LA15-8

- A Site Specific construction plan for St. Patrick Church is not provided (Section 4.8.5.1);

LA15-9

- A Site Specific construction plan for Buchanan-Verplanck Elementary is not provided (Section 4.8.5.1);

LA15-10

The Supplemental Draft Environmental Impact Statement should also include the risk assessments, environmental baseline testing, and other concerns that are called for in resolutions passed by many government administrations in our area.

LA15-11


Additionally, residents recently learned of a second pipeline expansion project, the Spectra Atlantic Bridge project, which will impact the same areas and extend the construction periods in the affected regions. The cumulative impacts of the two projects should be considered together and not segmented. Our constituents must be allowed to review and comment on the full scope of the planned expansion of this pipeline before any approval is issued.

LA15-12

Therefore, we request that the DEIS be withdrawn until all issues are fully addressed in a Supplemental Draft Environmental Impact Statement and that a new public comment period of no less than ninety days commence upon its release.

Thank you very much for your prompt consideration of this request.

Sincerely,


Amy Rosmarin

Councilwoman – Town of North Salem

LA15-8 See the responses to comments FA4-1 and SA1-8.

LA15-9 See the responses to comments FA4-1 and SA1-9.

LA15-10 See the responses to comment letters LA1, LA2, LA4, LA5, LA8, LA9, LA22, LA31, and LA32.

LA15-11 See the responses to comments FA3-5 and FA6-5.

LA15-12 See the responses to comments FA4-1 and FA6-5. We believe the analysis in the draft EIS and the revised analysis in the final EIS are appropriate and does not warrant the need for a supplemental draft EIS.

LA16 – Village of Ossing Trustee Victoria Gearity

20140924-4030 FERC PDF (Unofficial) 09/24/2014

Victoria Gearity, Village Trustee
Village of Ossining
16 Croton Avenue
Ossining, NY 10562
917-685-6717 (c)
Gearity@villageofossining.org

September 15, 2014

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1
Washington, DC 20426

**RE: Draft Environmental Impact Statement ("DEIS") for
Algonquin Incremental Market ("AIM") Project;
FERC Docket No. CP 14-96-00**

Dear Secretary Bose,

LA16-1 | An elected official representing constituents impacted by the Spectra Algonquin Incremental Market ("AIM") project (the "Project"), I believe that the Draft Environmental Impact Statement ("DEIS") released by the Federal Energy Regulatory Commission (the "Commission") on August 6, 2014 is inadequate as a National Environmental Policy Act document, and I urge the Commission not to further consider the proposed Project for approval until each of the deficiencies and omissions identified in Section 5.5 of the DEIS is completed and made available for review and public comment. Additionally, I request a minimum of a ninety-day public comment period upon release of a fully complete Supplemental Draft Environmental Impact Statement.

LA16-2 | The Commission's DEIS is supposed to address the numerous environmental impacts that may be caused by the proposed Project. Given the size and scope of the Project and the complex issues addressed in the more than 900 page DEIS, I believe a comment period of just over fifty (50) days is insufficient to permit our constituents and ourselves to review the proposed plan and its impact on our state, counties, local communities, and economy. LA16-3 | Public meetings and a detailed review of the DEIS have yielded substantial concerns that have deepened and become more numerous as review of the document has continued.

A review of the DEIS reveals that virtually no aspect of the document is complete. The deficiencies are pervasive and substantial. Taken together they deprive the public of a meaningful opportunity to comment on the proposed plans and fail to impose enforceable mitigation requirements prior to permitting. Significant omissions from the DEIS include, but are not limited to, the following:

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LA16-1 See the response to comment FA4-1.

LA16-2 See the response to comment FA6-5.

LA16-3 See the response to comment FA4-1.

LA16-4 See the responses to comments FA4-1 and FA4-25.

LA16-5 See the response to comment SA1-5.

LA16 – Village of Ossing Trustee Victoria Gearity (cont'd)

20140924-4030 FERC PDF {Unofficial} 09/24/2014

LA16-6

- NYSDOS approval of consistency assessment for Hudson Crossing has not been obtained (Section 4.8.4.1);

LA16-7

- Design modifications for New York M&R stations are not complete (Section 4.11.1.2);

LA16-8

- A Site Specific construction plan for St. Patrick Church is not provided (Section 4.8.5.1);

LA16-9

- A Site Specific construction plan for Buchanan-Verplanck Elementary is not provided (Section 4.8.5.1);

LA16-10

The Supplemental Draft Environmental Impact Statement should also include the risk assessments, environmental baseline testing, and other concerns that are called for in resolutions passed by many government administrations in our area.

LA16-11


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LA16-12

Therefore, I request that the DEIS be withdrawn until all issues are fully addressed in a Supplemental Draft Environmental Impact Statement and that a new public comment period of no less than ninety days commence upon its release.

Thank you very much for your prompt consideration of this request.

Sincerely,



Victoria Gearity
Ossining Village Trustee

LA16-6 See the response to comment SA1-6.

LA16-7 See the responses to comments FA4-1 and SA1-7.

LA16-8 See the responses to comments FA4-1 and SA1-8.

LA16-9 See the responses to comments FA4-1 and SA1-9.

LA16-10 See the responses to comment letters LA1, LA2, LA4, LA5, LA8, LA9, LA22, LA31, and LA32.

LA16-11 See the responses to comments FA3-5 and FA6-5.

LA16-12 See the responses to comments FA4-1 and FA6-5. We believe the analysis in the draft EIS and the revised analysis in the final EIS are appropriate and does not warrant the need for a supplemental draft EIS.

LA17 – Peekskill Deputy Mayor Drew Claxton

20140924-4042 FERC PDF (Unofficial) 09/24/2014

September 15, 2014

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1
Washington, DC 20426

**RE: Draft Environmental Impact Statement ("DEIS") for
Algonquin Incremental Market ("AIM") Project:
FERC Docket No. CP 14-96-00**

Dear Secretary Bose,

LA17-1 As elected officials representing constituents impacted by the Spectra Algonquin Incremental Market ("AIM") project (the "Project"), we believe that the Draft Environmental Impact Statement ("DEIS") released by the Federal Energy Regulatory Commission (the "Commission") on August 6, 2014 is inadequate as a National Environmental Policy Act document, and we urge the Commission not to further consider the proposed Project for approval until each of the deficiencies and omissions identified in Section 5.5 of the DEIS is completed and made available for review and public comment. Additionally, we request a minimum of a ninety day public comment period upon release of a fully complete Supplemental Draft Environmental Impact Statement.

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LA17-3 A review of the DEIS reveals that virtually no aspect of the document is complete. The deficiencies are pervasive and substantial. Taken together they deprive the public of a meaningful opportunity to comment on the proposed plans and fail to impose enforceable mitigation requirements prior to permitting. Significant omissions from the DEIS include, but are not limited to, the following:

LA17-4

- Final conclusions on safety-related conflicts with the Indian Point nuclear energy facility are not provided (Section 4.12.3);

LA17-5

- A Field Sampling Plan for potential soil contamination is not provided (Section 4.2.2.6);

LA17-6

- NYSDOS approval of consistency assessment for Hudson Crossing has not been obtained (Section 4.8.4.1);

LA17-1 See the response to comment FA4-1.

LA17-2 See the response to comment FA6-5.

LA17-3 See the response to comment FA4-1.

LA17-4 See the responses to comments FA4-1 and FA4-25.

LA17-5 See the response to comment SA1-5.

LA17-6 See the response to comment SA1-6.

LA17 – Peekskill Deputy Mayor Drew Claxton (cont'd)

20140924-4042 FERC PDF {Unofficial} 09/24/2014

- LA17-7
- Design modifications for New York M&R stations are not complete (Section 4.11.1.2);
- LA17-8
- A Site Specific construction plan for St. Patrick Church is not provided (Section 4.8.5.1);
- LA17-9
- A Site Specific construction plan for Buchanan-Verplanck Elementary is not provided (Section 4.8.5.1);

LA17-10 The Supplemental Draft Environmental Impact Statement should also include the risk assessments, environmental baseline testing, and other concerns that are called for in resolutions passed by many government administrations in our area.

LA17-11 Additionally, residents recently learned of a second pipeline expansion project, the Spectra Atlantic Bridge project, which will impact the same areas and extend the construction periods in the affected regions. The cumulative impacts of the two projects should be considered together not segmented. Our constituents must be allowed to review and comment on the full scope of the planned expansion of this pipeline before any approval is issued.

LA17-12 Therefore, we request that the DEIS be withdrawn until all issues are fully addressed in a Supplemental Draft Environmental Impact Statement and that a new public comment period of no less than sixty days commence upon its release.

Thank you very much for your prompt consideration of this request.

Sincerely,



Drew A. Claxton

Deputy Mayor, City of Peekskill

- LA17-7 See the responses to comments FA4-1 and SA1-7.
- LA17-8 See the responses to comments FA4-1 and SA1-8.
- LA17-9 See the responses to comments FA4-1 and SA1-9.
- LA17-10 See the responses to comment letters LA1, LA2, LA4, LA5, LA8, LA9, LA22, LA31, and LA32.
- LA17-11 See the responses to comments FA3-5 and FA6-5.
- LA17-12 See the responses to comments FA4-1 and FA6-5. We believe the analysis in the draft EIS and the revised analysis in the final EIS are appropriate and does not warrant the need for a supplemental draft EIS.

LA18 – Putnam County Legislator Sam Oliverio

20140924-4043 FERC PDF (Unofficial) 09/24/2014

September 15, 2014

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1
Washington, DC 20426

**RE: Draft Environmental Impact Statement ("DEIS") for
Algonquin Incremental Market ("AIM") Project:
FERC Docket No. CP 14-96-00**

Dear Secretary Bose,

LA18-1 As elected officials representing constituents impacted by the Spectra Algonquin Incremental Market ("AIM") project (the "Project"), we believe that the Draft Environmental Impact Statement ("DEIS") released by the Federal Energy Regulatory Commission (the "Commission") on August 6, 2014 is inadequate as a National Environmental Policy Act document, and we urge the Commission not to further consider the proposed Project for approval until each of the deficiencies and omissions identified in Section 5.5 of the DEIS is completed and made available for review and public comment. Additionally, we request a minimum of a ninety day public comment period upon release of a fully complete Supplemental Draft Environmental Impact Statement.

LA18-2 The Commission's DEIS is supposed to address the numerous environmental impacts that may be caused by the proposed Project. Given the size and scope of the Project and the complex issues addressed in the more than 900 page DEIS, we believe a comment period of just over fifty (50) days is insufficient to permit our constituents and ourselves to review the proposed plan and its impact on our state, counties, local communities, and economy. Public meetings and a detailed review of the DEIS have yielded substantial concerns that have deepened and become more numerous as review of the document has continued.

LA18-3 A review of the DEIS reveals that virtually no aspect of the document is complete. The deficiencies are pervasive and substantial. Taken together they deprive the public of a meaningful opportunity to comment on the proposed plans and fail to impose enforceable mitigation requirements prior to permitting. Significant omissions from the DEIS include, but are not limited to, the following:

- LA18-4 • Final conclusions on safety-related conflicts with the Indian Point nuclear energy facility are not provided (Section 4.12.3);
- LA18-5 • A Field Sampling Plan for potential soil contamination is not provided (Section 4.2.2.6);
- LA18-6 • NYSDOS approval of consistency assessment for Hudson Crossing has not been obtained (Section 4.8.4.1);

LA18-1 See the response to comment FA4-1.

LA18-2 See the response to comment FA6-5.

LA18-3 See the response to comment FA4-1.

LA18-4 See the responses to comments FA4-1 and FA4-25.

LA18-5 See the response to comment SA1-5.

LA18-6 See the response to comment SA1-6.

LA18 – Putnam County Legislator Sam Oliverio (cont'd)

20140924-4043 FERC PDF {Unofficial} 09/24/2014

LA18-7

LA18-8

LA18-9

- Design modifications for New York M&R stations are not complete (Section 4.11.1.2);
- A Site Specific construction plan for St. Patrick Church is not provided (Section 4.8.5.1);
- A Site Specific construction plan for Buchanan-Verplanck Elementary is not provided (Section 4.8.5.1);

LA18-10

The Supplemental Draft Environmental Impact Statement should also include the risk assessments, environmental baseline testing, and other concerns that are called for in resolutions passed by many government administrations in our area.

LA18-11

Additionally, residents recently learned of a second pipeline expansion project, the Spectra Atlantic Bridge project, which will impact the same areas and extend the construction periods in the affected regions. The cumulative impacts of the two projects should be considered together not segmented. Our constituents must be allowed to review and comment on the full scope of the planned expansion of this pipeline before any approval is issued.

LA18-12

Therefore, we request that the DEIS be withdrawn until all issues are fully addressed in a Supplemental Draft Environmental Impact Statement and that a new public comment period of no less than ninety days commence upon its release.

Thank you very much for your prompt consideration of this request.

Sincerely,

Sam Oliverio


Putnam County Legislator, District #2

- LA18-7 See the responses to comments FA4-1 and SA1-7.
- LA18-8 See the responses to comments FA4-1 and SA1-8.
- LA18-9 See the responses to comments FA4-1 and SA1-9.
- LA18-10 See the responses to comment letters LA1, LA2, LA4, LA5, LA8, LA9, LA22, LA31, and LA32.
- LA18-11 See the responses to comments FA3-5 and FA6-5.
- LA18-12 See the responses to comments FA4-1 and FA6-5. We believe the analysis in the draft EIS and the revised analysis in the final EIS are appropriate and does not warrant the need for a supplemental draft EIS.

LA19 – Yorktown Councilman Terrence Murphy

20140924-4041 FERC PDF (Unofficial) 09/24/2014

FROM THE DESK OF



YORKTOWN COUNCILMAN DR. TERRENCE MURPHY

1853 COMMERCE STREET YORKTOWN HEIGHTS, NY 10598 | TERRENCE@VOTE4MURPHY.COM | WWW.VOTE4MURPHY.COM

September 15, 2014

Chairman Cheryl A. LaFleur
888 First Street, NE
Washington, DC 20426

Dear Chairman LaFleur,

LA19-1 I would like to thank FERC for rescheduling tonight's hearing for a more appropriate date and implore you to carefully review the concerns expressed here tonight. We all have unanswered questions regarding this project. As a father and health care professional I would never support a project that would endanger the health and well being of anyone in our community; most importantly my own kids.

LA19-2 Recently our town board passed a resolution calling for all health and safety concerns be addressed before anymore approvals are handed out by FERC. Unfortunately, the residents of the Hudson Valley are quite skeptical of FERC considering the camouflaged implementation of the capacity zones which are driving energy costs through the roof on the heels of one of the coldest winters in recent memory. Now, this commission has an opportunity to redeem itself by taking the necessary time to address the concerns of all residents.

Throughout this entire process I have been consistent in my position that the health and safety of my neighbors and the residents of Westchester is my first priority. Towards that end, I have voted on a resolution (attached) calling for our health and safety concerns to be addressed by FERC and I will continue to fight for the residents of Westchester and the Hudson Valley.

The last thing we should do right now is to allow facts to be manipulated in order to scare and confuse residents for political gain. These misleading tricks do nothing to help our neighbors make an informed decision but rather reinforce their cynicism of government.

Having spoken to many people in the communities impacted by this project including Buchanan, Verplank, Somers and Yorktown, I believe the following questions need to be addressed:

LA19-3

LA19-4

LA19-5

- What are the pre-project and post-project emissions from each category of toxins?
- Will Spectra Energy agree to fund independent and transparent air and health assessments to ensure the well being of our neighbors?
- Will Spectra Energy agree to fund an independent risk analysis to address any potential impact to Indian Point?

LA19-1 Comment noted.

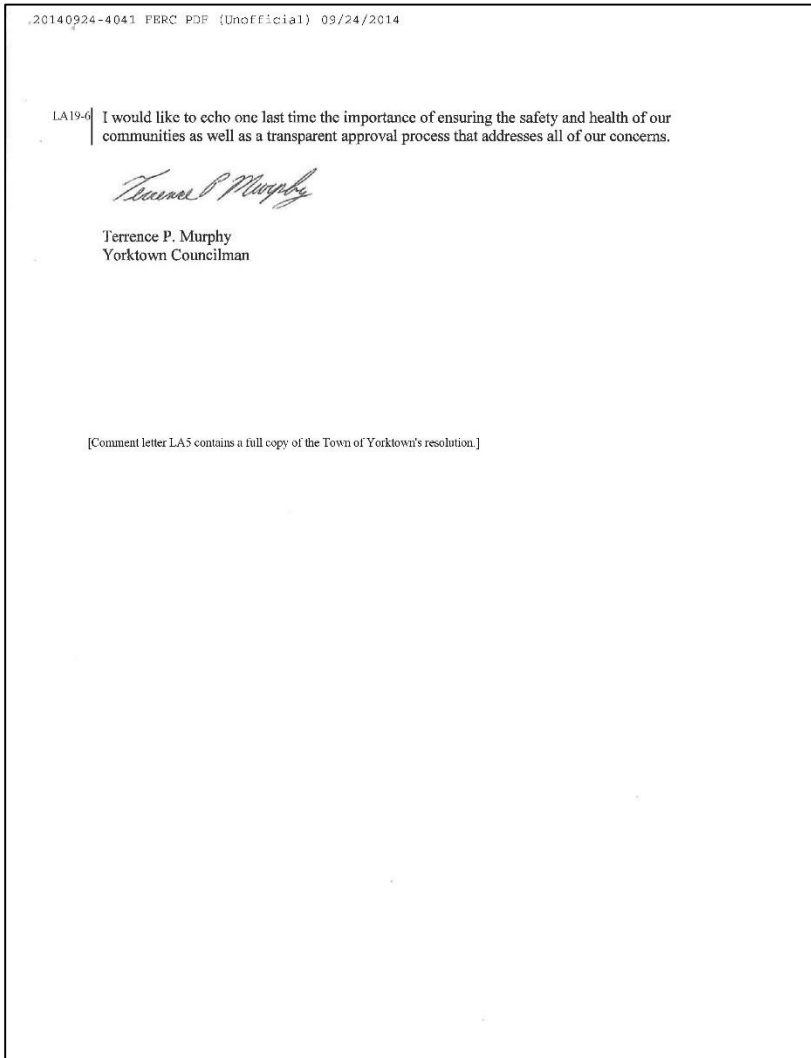
LA19-2 The purpose and need for the Project is described in section 1.1 of the EIS. The Commission's purpose and role as it relates to the Project is explained in section 1.2.1 of the EIS.

LA19-3 See tables 4.11.1-7 to 4.11.1-11 in the EIS for a summary of compressor station emissions pre-Project and post-Project. These summaries include criteria pollutants and HAPs. Additional Project operational emissions are summarized in tables 4.11.1-12 and 4.11.1-13. A detailed breakdown of emissions and calculation methodology for each source and pollutant can be found in the applicable air permit applications.

LA19-4 See the responses to comments SA4-1, SA4-9, and SA4-10.


LA19-5 See the response to comment FA4-25.

LA19 – Yorktown Councilman Terrence Murphy (cont'd)



LA19-6 The impacts noted, as well as mitigation measures, are discussed throughout the EIS. See also response to comment SA2-10.

LA20 – Westchester County Legislator Peter Harckham et al.

WESTCHESTER COUNTY		BOARD OF LEGISLATORS
<i>Voice of the People of Westchester County for over 200 years</i>		
Peter B. Harckham Legislator, 2 nd District Chair: Labor/Parks/Planning/Housing	Committee Assignments: Budget and Appropriations Infrastructure Public Safety Environment & Energy	
<p>September 15, 2014</p> <p>Kimberly D. Bose, Secretary Federal Energy Regulatory Commission 888 First Street NE, Room 1 Washington, DC 20426</p> <p>RE: Draft Environmental Impact Statement ("DEIS") for Algonquin Incremental Market ("AIM") Project: FERC Docket No. CP 14-96-00</p> <p>Dear Secretary Bose,</p> <p>LA20-1 As elected officials representing constituents impacted by the Spectra Algonquin Incremental Market ("AIM") project (the "Project"), we believe that the Draft Environmental Impact Statement ("DEIS") released by the Federal Energy Regulatory Commission (the "Commission") on August 6, 2014 is inadequate as a National Environmental Policy Act document, and we urge the Commission not to further consider the proposed Project for approval until each of the deficiencies and omissions identified in Section 5.5 of the DEIS is completed and made available for review and public comment. Additionally, we request a minimum of a ninety day public comment period upon release of a fully complete Supplemental Draft Environmental Impact Statement.</p> <p>LA20-2 The Commission's DEIS is supposed to address the numerous environmental impacts that may be caused by the proposed Project. Given the size and scope of the Project and the complex issues addressed in the more than 900 page DEIS, we believe a comment period of just over fifty (50) days is insufficient to permit our constituents and ourselves to review the proposed plan and its impact on our state, counties, local communities, and economy. Public meetings and a detailed review of the DEIS have yielded substantial concerns that have deepened and become more numerous as review of the document has continued.</p> <p>LA20-3 A review of the DEIS reveals that virtually no aspect of the document is complete. The deficiencies are pervasive and substantial. Taken together they deprive the public of a meaningful opportunity to comment on the proposed plans and fail to impose enforceable mitigation requirements prior to permitting. Significant omissions from the DEIS include, but are not limited to, the following:</p> <p>LA20-4</p> <ul style="list-style-type: none"> • Final conclusions on safety-related conflicts with the Indian Point nuclear energy facility are not provided (Section 4.12.3); <p>Tel: (914) 995-2810 • Fax: (914) 995-3884 • E-mail: Harckham@westchesterlegislators.com</p> <p>800 Michaelan Office Bldg., 148 Martine Avenue, White Plains, N.Y. 10601 • www.westchesterlegislators.com • 914 395 2800 (main voice)</p>		

LA20-1 See the response to comment FA4-1.

LA20-2 See the response to comment FA6-5.

LA20-3 See the response to comment FA4-1.

LA20-4 See the responses to comments FA4-1 and FA4-25.

**LA20 – Westchester County Legislator Peter Harkham et al.
(cont'd)**

- LA20-5
- A Field Sampling Plan for potential soil contamination is not provided (Section 4.2.2.6);
- LA20-6
- NYSDOS approval of consistency assessment for Hudson Crossing has not been obtained (Section 4.8.4.1);
- LA20-7
- Design modifications for New York M&R stations are not complete (Section 4.1.1.2);
- LA20-8
- A Site Specific construction plan for St. Patrick Church is not provided (Section 4.8.5.1);
- LA20-9
- A Site Specific construction plan for Buchanan-Verplanck Elementary is not provided (Section 4.8.5.1);
- LA20-10
- The Supplemental Draft Environmental Impact Statement should also include the risk assessments, environmental baseline testing, and other concerns that are called for in resolutions passed by many government administrations in our area.
- LA20-11
- Additionally, residents recently learned of a second pipeline expansion project, the Spectra Atlantic Bridge project, which will impact the same areas and extend the construction periods in the affected regions. The cumulative impacts of the two projects should be considered together and not segmented. Our constituents must be allowed to review and comment on the full scope of the planned expansion of this pipeline before any approval is issued.
- LA20-12
- Therefore, we request that the DEIS be withdrawn until all issues are fully addressed in a Supplemental Draft Environmental Impact Statement and that a new public comment period of no less than ninety days commence upon its release.

Thank you very much for your prompt consideration of this request.

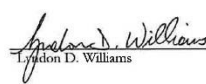
Sincerely,

 Peter B. Harkham

 Mary Jane Shimsky

 Catherine F. Parker

 Catherine Borgia,
Majority Leader

 Lyndon D. Williams

LA20-5 See the response to comment SA1-5.

LA20-6 See the response to comment SA1-6.

LA20-7 See the responses to comments FA4-1 and SA1-7.

LA20-8 See the responses to comments FA4-1 and SA1-8.

LA20-9 See the responses to comments FA4-1 and SA1-9.

LA20-10 See the responses to comment letters LA1, LA2, LA4, LA5, LA8, LA9, LA22, LA31, and LA32.

LA20-11 See the responses to comments FA3-5 and FA6-5.

LA20-12 See the responses to comments FA4-1 and FA6-5. We believe the analysis in the draft EIS and the revised analysis in the final EIS are appropriate and does not warrant the need for a supplemental draft EIS.

LA21 – City of Peekskill, Motion to Intervene

20140925-5092 FERC PDF (Unofficial) 9/25/2014 1:29:42 PM

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Algonquin Gas Transmission, LLC

Docket No. CP14-96-000

**MOTION OF THE CITY OF PEEKSKILL TO INTERVENE OUT-OF-TIME
AND TO BE GRANTED FULL-PARTY STATUS**

Pursuant to Section 15 of the Natural Gas Act, 15 U.S.C. § 717N, and Rule 214 of the

LA21-1 Rules and Regulations of the Federal Energy Regulatory Commission ("FERC"), 18 C.F.R. § 385.214(b), the City of Peekskill ("Peekskill" or "the City") moves to intervene out-of-time and requests that FERC grant the City full party status in the above-captioned proceeding on Algonquin Gas Transmission, LLC's ("Algonquin's") Abbreviated Application for a Certificate of Public Convenience and Necessity and Related Authorizations under Sections 7(b) and 7(c) of the Natural Gas Act (the "Application") for the proposed Algonquin Incremental Market Project ("AIM Project"). In support of its motion, the City asserts the following:

1. Correspondence or communications with respect to this proceeding should be addressed as follows:

Anthony J. Ruggiero, MPA
City Manager
City of Peekskill
840 Main Street
Peekskill, New York 10458
T: (914) 734-4245
F: (914) 734-4196
aruggiero@cityofpeekskill.com

Gail M. Mulligan, Esq.
Acting Corporation Counsel
City of Peekskill
840 Main Street
Peekskill, New York 10458
T: (914) 734-4180
F: (914) 734-4183
gmulligan@cityofpeekskill.com

LA21-1 A review of the current service list for this docket indicates that the City of Peekskill has been added as a party to the proceeding.

LA21 – City of Peekskill, Motion to Intervene (cont'd)

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2. Peekskill is a municipal corporation existing under the laws of the State of New York and organized under the City of Peekskill Charter. The City is located on the eastern bank of the Hudson River, in the northwestern corner of Westchester County, New York and, with the exception of the Hudson River shoreline, shares its municipal border with the neighboring Town of Cortlandt, New York. The City has a population of approximately twenty-four thousand (24,000) residents.

3. On February 28, 2014, Algonquin filed the Application for authorization to construct and operate the AIM Project. The AIM Project would replace an existing 26-inch natural gas pipeline and related infrastructure on public and private lands at the southern edge of the City of Peekskill with a much larger, 42-inch diameter high-pressure pipeline in generally the same location. Project plans also include the installation and replacement of pipeline crossing of the Hudson River between the adjacent municipality, the Town of Cortlandt and the Town of Stony Point, New York, located due west of the City, across the Hudson River, by way of horizontal directional drilling techniques; and the installation or modification of metering and regulating facilities in the Town of Cortlandt and along the border thereof. The Application was assigned Docket No. CP14-96-000.

4. On March 18, 2014, FERC issued a Notice of Application for the proceeding, which set a comment date of April 8, 2014, and provided that any entity wishing to become a party to the proceeding should file a motion to intervene on or before the comment date.

LA21-2 5. Peekskill represents interests that will be directly affected by the outcome of this proceeding, within the meaning of FERC Rule 214, 18 C.F.R. § 385.214(b)(ii) and therefore, should be permitted to intervene out-of-time and be granted full-party status in this proceeding. The City was unfamiliar with the extent of the proceedings, as it does not regularly participate in matters before FERC and was not aware of the procedure by which entities must avail themselves

LA21-2 See the response to comment LA21-1.

LA21 – City of Peekskill, Motion to Intervene (cont'd)

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LA21-2
(cont'd) in order to formally participate in FERC matters. No party will be prejudiced by the grant of this Motion. The City agrees to accept the record as it exists. The City has a direct interest in the outcome of this proceeding that no other party can represent. The City's participation is in the public interest and good cause therefore exists for the Commission to grant this Motion to intervene out-of-time.

6. The AIM Project would replace pipeline within the City of Peekskill. It also would modify
LA21-3 two metering and regulating stations in the adjacent municipality of the Town of Cortlandt. The replacement, installation, and modification of those facilities would directly impact Peekskill's residents, many of whom live adjacent to or in close proximity to segments of the pipeline route and proposed construction. The impacts of construction and operation of the AIM Project on the City and its residents may include public safety hazards; traffic and transportation disruptions (with related interruptions of public services); noise generation; air pollution; disruption of wetlands and aquatic ecosystems; and adverse effects on the City's scenic, historic, and cultural resources. The
LA21-4 City is particularly concerned about potential adverse environmental impacts during construction and subsequent operation of this pipeline, including but not limited to impacts to wetlands and to water quality in the Dickie Brook (a bordering stream), impacts to the Blue Mountain Reservation,
LA21-5 impacts to health, safety, and property values in adjoining neighborhoods, impacts to city infrastructure (roads, bridges, culverts, utilities, etc.), and impacts to local and county emergency
LA21-6 services. The current emissions will be significantly increased by the expansion of the nearby Southeast and Stony Point compressor stations, and other gas pipeline infrastructure and operations (including but not limited to metering and regulating stations, pipelines, valves, fittings and pigging
LA21-7 operations). Moreover, the location of the AIM pipeline within close proximity to the Indian Point Nuclear Facility and forty (40) years of spent fuel rods, intersecting with two proposed high voltage

- LA21-3 The impacts noted, as well as mitigation measures, are discussed throughout the EIS.
- LA21-4 See the response to comment LA9-6.
- LA21-5 See the responses to comments SA4-7, SA4-1, SA4-5, LA1-4, and LA1-9. Impacts on property values are discussed in section 4.9 of the EIS.
- LA21-6 We disagree. See the response to comment SA4-1.
- LA21-7 See the responses to comments FA4-25, SA4-2, and SA7-4.

LA21 – City of Peekskill, Motion to Intervene (cont'd)

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LA21-7
(cont'd)

power lines, and in close proximity to a significant seismic zone, poses a risk of catastrophic damage with profound long-term impacts on the region.

LA21-8

6. Peekskill's participation in this proceeding is also in the public interest within the meaning of FERC Rule 214, 18 C.F.R. § 385.214(b)(iii). As the representative of numerous residents who will bear the AIM Project's adverse environmental, social, and economic impacts, Peekskill requires party status in the proceeding to ensure that those residents' voices are heard. As a party to this proceeding, and on behalf of itself and its residents, the City will assist FERC in evaluating the environmental impacts of the AIM Project on the communities surrounding it and in assessing the asserted public need for the requested pipeline expansion.

7. The interests that Peekskill represents cannot be represented adequately by any other party because many of those residents impacted by the project lack the resources to represent themselves and because no other entity shares Peekskill and its residents' interests in the outcome of the proceeding.

8. As a municipality that has an interest in the outcome of this proceeding based on the impacts the proposed project would have on it and its residents, Peekskill is entitled to party status under 15 U.S.C. § 717N(e) and 18 C.F.R. § 385.214(b).

9. Granting Peekskill party status will not result in any disruption of this proceeding or cause any undue burden or prejudice to any other party.

LA21-8 See the response to comment LA21-1.

LA21 – City of Peekskill, Motion to Intervene (cont'd)

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10. The City therefore seeks to intervene, and respectfully requests that you grant this late motion, so that it may assist FERC in ensuring that the AIM Project is constructed and operated in a safe manner; that the Application demonstrates that public convenience and necessity require the AIM Project; and that the AIM Project does not impose undue burdens on the City, its residents, and the general public.

Dated: Peekskill, New York
September 25, 2014

Office of the Corporation Counsel
City of Peekskill
Attorney for Defendant
840 Main Street
Peekskill, New York 10566
(914) 734-4180

By:


Gail M. Mulligan
Acting Corporation Counsel

To: The Honorable Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
Room 1A East
888 First Street, N.E.
Washington, D.C. 20426

LA21 – City of Peekskill, Motion to Intervene (cont'd)

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing document upon the participants, to date, in this proceeding in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure.


Gail M. Mulligan

Office of the Corporation Counsel
City of Peekskill
840 Main Street
Peekskill, New York 10566

Dated: Peekskill, New York
September 25, 2014

LA22 – Rockland County Legislature

20140929-5127 FERC PDF (Unofficial) 9/29/2014 11:29:37 AM

11 E 1

Introduced by:

Hon. Harriet D. Cornell, Sponsor
Hon. Toney L. Earl, Co-Sponsor
Hon. Nancy Low-Hogan, Co-Sponsor
Hon. Douglas J. Jobson, Co-Sponsor
Hon. Ilan S. Schoenberger, Co-Sponsor
Hon. Philip Soskin, Co-Sponsor
Hon. Alden H. Wolfe, Co-Sponsor

AMENDED

Referral No. 1021
September 16, 2014

**RESOLUTION NO. 404 OF 2014
URGING THAT HEALTH, SAFETY AND PLANNING CONCERNS BE
ADDRESSED AND MITIGATED IN THE ENVIRONMENTAL REVIEW AND ALL
OTHER REVIEW PROCESSES BEFORE PROJECT PERMISSIONS BE
GRANTED FOR SPECTRA ENERGY'S ALGONQUIN INCREMENTAL MARKET
(AIM) NATURAL GAS PIPELINE, COMPRESSOR AND METERING
STATIONS EXPANSION PROJECT**

**CORNELL/LOW-HOGAN, SCHOENBERGER, SOSKIN, HOOD, JR., WOLFE:
UNAN.**

LA22-1 WHEREAS, Algonquin Gas Transmission, LLC, (AGT) a wholly-owned subsidiary of Spectra Energy Partners which is seeking expansion of pipelines to serve customers in Massachusetts, Connecticut and Rhode Island, and affecting Rockland, Westchester and Putnam Counties, submitted Resource Report #9 in Docket # CP14-96-000 which does not reflect aggregate (existing, proposed and cumulative) emissions from compressor stations, metering stations, and pipelines in the entire Algonquin Incremental Market (AIM) project; and

LA22-2 WHEREAS, peer-reviewed scientific studies and the World Health Organization link exposure between air pollution and neurological, cardiovascular, respiratory and other health problems, while peer-reviewed scientific studies specifically indicate that emissions from compressor stations and other shale gas infrastructure are also associated with negative health impacts; and

LA22-3 WHEREAS, the current emissions will be significantly increased by the expansion of the Southeast and Stony Point compressor stations and other gas pipeline infrastructure and operations, including but not limited to metering and regulating stations, pipelines, valves, fittings and Pipeline Inspection Gauge (PIG) operations; and

LA22-1 Resource Report 9 filed on February 28, 2014 was supplemented by Algonquin to include responses to information requested by Commission staff, including details about existing and proposed air emission sources and air permit applications. See also the response to comment LA19-3.

LA22-2 See the responses to comments SA4-1 and SA4-9.

LA22-3 We disagree. See the response to comment SA4-1.

LA22 – Rockland County Legislature (cont'd)

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LA22-3
(cont'd)

standards according to the United States Environmental Protection Agency (EPA) and exceeds the limits for pollutants such as ground level ozone and particulate matter; and

LA22-4

WHEREAS, there is presently no advanced notification for all planned full or partial blowdowns at compressor stations, or immediately following any unplanned partial or full blowdowns in order for residents and public officials to take prompt emergency measures; and

LA22-5

WHEREAS, the location of the AIM pipeline: 1) is within close proximity to the Indian Point Nuclear Facility and 40 years of spent fuel rods; 2) intersects with two proposed high voltage power lines; and 3) is in close proximity to a significant seismic zone. This poses a risk of catastrophic damage with profound long-term impacts on the region; and

LA22-6

WHEREAS, materials and contaminants in the gas pipeline include radium precipitate, radon and its decay products, lead and polonium, many of which are known carcinogens and present a serious health risk both to local residents as well as the potentially hundreds of short-term construction-related workers in Rockland County; and

WHEREAS, the Rockland County Legislature feels duty bound to protect the health and safety of all County residents and all workers associated with the project; and

WHEREAS, the Environmental Committee has met, considered and by a unanimous vote, approved this resolution; now therefore be it

RESOLVED, that

LA22-7

1) before permits are issued, an independent air emissions baseline assessment be conducted in the areas directly impacted by the proposed compressor and metering and regulating stations modifications;

LA22-8

2) the pipeline be continually monitored by an independent expert acceptable to industry, local government officials, advocates and the public, funded by Spectra Energy; and
3) results of the continuous monitoring of air, water, land and all other environmental impacts be reported daily to the New York State Department of Environmental Conservation (DEC) and the EPA, and made available to the public in a transparent manner;

and be it further

LA22-9

RESOLVED, that AGT be required: 1) to install the best available mitigation technologies on all components of the existing and proposed compressor and metering stations in the AIM pipeline project, including electric compressor engines, zero emission dehydrators, blowdown prevention, vapor recovery units, and methane capturing equipment; 2) to utilize the best practices outlined by the EPA;

LA22-4 See the response to comment SA4-3.

LA22-5 See the responses to comments FA4-25, SA4-2, and SA7-4.

LA22-6 See the response to comment SA4-4.

LA22-7 See the response to comment SA4-9.

LA22-8 See the responses to comments SA4-15, LA2-11, and LA4-6.

LA22-9 See the responses to comments FA4-23, SA4-11, and LA4-7.

LA22 – Rockland County Legislature (cont'd)

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LA22-9 (cont'd)	and 3) to install selective catalytic reduction if gas-driven engines are used instead of preferred electric engines; and be it further
LA22-10	RESOLVED, effective immediately, that advanced notification of all planned blowdowns (either full or partial) and notification within 30 minutes following any unplanned partial or full blowdowns of the Stony Point and Southeast compressor stations and other gas pipeline infrastructure and operations (including but not limited to metering and regulating stations, pipelines, valves, fittings, and Pipeline Inspection Gauge [PIG] operations) be given to Rockland County in order to alert all residents, emergency first responders, and municipalities within the County, and be it further
LA22-11	RESOLVED, that a comprehensive and transparent Health Impact Assessment (HIA), as outlined by the Centers for Disease Control and Prevention and the National Academy of Sciences, be conducted by an independent entity acceptable to industry, local government officials, advocates and the public, and funded by Spectra Energy, and be it further RESOLVED, that this comprehensive and transparent HIA cover cumulative short-term and long-term impacts as well as direct and indirect impacts of all infrastructure components and operations of the AIM project, including compressor stations emissions and blowdowns, metering and regulating stations emissions, and pipeline leakage prior to construction, during construction, during normal operations and during blowdowns and accidental release events, with a thorough analysis of all materials and contaminants in the pipeline, including radium precipitate, radon and its decay products, lead and polonium, and with a thorough analysis of the proposed Pipeline Inspection Gauge (PIG) launching staging areas and the handling, storage, cleaning, and disposal of PIGs, PIG wastewater, PIG launcher and all other associated equipment with PIG operations, and be it further
LA22-12	RESOLVED, that Spectra Energy fund a comprehensive, independent and transparent risk assessment of the potentially catastrophic explosion of a 42" diameter high-pressure pipeline in close proximity to Indian Point Nuclear Facility and a significant seismic zone, to be completed in accordance with CFR Federal Law 50.59 and 10 CFR 100.20 regarding changes to site, and be it further
LA22-13	RESOLVED, that the Rockland County Legislature opposes the construction of maintenance facilities near schools, parks, houses of worship, business or residential districts or any other population centers, and be it further
LA22-14	RESOLVED, since New York has one of the highest standards of environmental protection, the Rockland County Legislature urges Spectra Energy to follow New York State law by undergoing a full Environmental Impact Statement to comply with the requirements of the State Environmental Quality Review Act (SEQRA) and thereafter minimize and mitigate any negative environmental impacts, and be it further
LA22-15	RESOLVED, that the Clerk to the Legislature be and is hereby authorized and directed to send a copy of this resolution to the Federal Energy Regulatory Commission and all federal and state involved agencies with the request that the

LA22-10 See the response to comment SA4-3.

LA22-11 See the response to comment SA4-10.

LA22-12 See the responses to comments FA4-25 and SA4-2.

LA22-13 See the responses to comments SA4-5 and LA5-14.

LA22-14 See the response to comment SA4-15.

LA22-15 The impacts noted, as well as mitigation measures, are discussed throughout the EIS.

LA22 – Rockland County Legislature (cont'd)

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LA22-15
(cont'd)

health, safety and planning concerns stated in this resolution be addressed and mitigated in the environmental review and all other review processes before project permissions be granted; and to send a copy of this resolution to Hon. Barack H. Obama, President of the United States; Hon. Charles Schumer and Hon. Kirsten Gillibrand, United States Senators; Hon. Nita M. Lowey, Member of the United States Congress; the President Pro Tem of the United States Senate; the Speaker of the United States House of Representatives; the Majority and Minority Leaders of the United States Senate and House of Representatives, Hon. Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, Hon. William J. Larkin, Jr., New York State Senators, Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, and Hon. James G. Skoufis, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

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September 29, 2014

Via Fed-Ex and Electronic Filing

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

Re: OEP/DG2E/Gas 2
Algonquin Gas Transmission, LLC
Docket No. CP14-96-000
FERC/EIS-0254

To Whom It May Concern:

The Town of Cortlandt, New York respectfully submits the following comments on the Draft Environmental Impact Statement (the "DEIS") for the Algonquin Incremental Market Project (the "Proposed Action" or the "Project"), proposed by Algonquin Gas Transmission, LLC (the "Applicant"). The Proposed Action involves the construction and operation of approximately 38 miles of natural gas pipelines, modification of existing compressor stations and metering and regulating ("M&R") stations, and construction of new accessory facilities. Cortlandt has been granted intervenor status in the above-referenced proceeding, and the Town Board provided oral comments at the September 15, 2014 public hearing on the DEIS. These written comments expand upon and supplement the comments presented at that hearing.

Of the numerous municipalities impacted by the Proposed Action, none are affected more than Cortlandt, a riverfront community of approximately 41,500 residents. The Proposed Action crosses the Hudson River in Cortlandt, using the residential hamlet of Verplanck as a construction staging area and clearing a permanent right of way through the surrounding neighborhoods. The Applicant plans to install approximately 7.3 miles of new pipeline in Cortlandt, bisecting parks, trails and wetlands; disturbing the historic St. Patrick's Church and Buchanan-Verplanck Elementary School; and running adjacent to the grounds of the Indian Point nuclear facility and alongside a recently proposed high-voltage electricity transmission cable and

LA23-1

LA23-1 See the responses to comments FA4-1 and SA12-2.

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LA23 – Town of Cortlandt (cont'd)

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LA23-1
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converter station. The resulting impacts on the Town's environmental resources, public services, and quality of life are palpable.

The DEIS, however, fails to adequately evaluate these impacts or to consider reasonable alternatives and mitigation measures. Instead, the Applicant deferred the analysis of critical environmental impacts and mitigation measures until an undefined future date. The DEIS also contains factual errors that cast doubt upon its ultimate conclusions, including an erroneous statement of the distance between the new pipeline and 1,000-megawatt electricity transmission cable proposed by West Point Partners LLC ("WPP"), which would make landfall and connect to a new converter station adjacent to the Proposed Action. Finally, the DEIS lacks the supporting data and analysis required for the public to meaningfully evaluate and comment on the Applicant's claims.

LA23-2

The Town of Cortlandt has retained the services of Accufacts, Inc. ("Accufacts") – a national expert in pipeline siting, design and construction – to assess the technical aspects of the DEIS and the need for a new 42-inch pipeline to accommodate the proposed capacity increase. In light of the omissions in the DEIS and application materials, on September 11, 2014 Accufacts submitted a Critical Energy Infrastructure Information request seeking schematic flow drawings, Maximum Allowable Operating Pressures, and other essential data ("CEII No. CE14-193"). To date, Accufacts has not received the documents requested for its review.²

The National Environmental Policy Act ("NEPA") requires more than is provided in the DEIS. Under NEPA, a DEIS serves two principal roles: "It gives the public the assurance that the agency 'has indeed considered environmental concerns in its decision-making process,' perhaps more significantly, provides a springboard for public comment." Robertson v. Methow Valley

LA23-3

Citizens Council, 490 U.S. 332, 349 (1989) (citation omitted). Lacking critical information about significant impacts and omitting or misstating material facts, the DEIS for the Proposed Action precludes the public scrutiny and comment that is essential to the NEPA process.

LA23-4

These deficiencies are not harmless procedural errors. By understating the Proposed Action's adverse impacts, the DEIS skews the analysis of alternatives away from environmentally beneficial designs, including an alternate crossing route over the Hudson River that could reduce or avoid many of the Proposed Action's most significant environmental

² As such information was not available during the comment period on the DEIS, the Town of Cortlandt reserves the right to supplement its comments based upon FERC's responses to Accufacts' CEII request.

LA23-2 Comment noted. See also the response to comment SA2-6.

LA23-3 We disagree. See also the responses to comments FA4-1 and FA6-5.

LA23-4 We believe the EIS accurately describes the potential impacts of the proposed action. Our evaluation of route alternatives to the proposed Hudson River crossing is included in section 3.5.1.

LA23 – Town of Cortlandt (cont’d)

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- LA23-5 impacts. By overlooking the cumulative impacts of the Proposed Action with the pending WPP proposal and other pipeline expansion projects affecting the same geographic area, the DEIS fails to accurately convey or mitigate the environmental burdens imposed upon Cortlandt residents and others. Therefore, as set forth in greater detail below, the Town of Cortlandt urges the
- LA23-6 Federal Energy Regulatory Commission (“FERC”) to prepare a Supplemental Draft Environmental Impact Statement (“SDEIS”) that addresses the flaws in the DEIS; to publish the SDEIS for at least 60 days of public review and comment; and to impose appropriate conditions and changes – informed by the SDEIS – that mitigate the Proposed Action’s significant adverse environmental impacts to the maximum extent practicable.

Statutory and Regulatory Background

NEPA requires all federal agencies, including FERC, to prepare an EIS before taking any major action “significantly affecting the quality of the human environment.” 42 U.S.C. § 4332(2)(C). The purpose of an EIS is to provide a “full and fair discussion of significant environmental impacts and [to] inform decisionmakers and the public of the reasonable alternatives which would avoid or minimize the adverse impacts or enhance the quality of the human environment.” 40 C.F.R. § 1502.1. “In other words, NEPA ... requires the agency to withhold its decision to proceed with an action until it has taken a ‘hard look’ at the environmental consequences.” *Stewart Park and Reserve Coal, Inc. v. Slater*, 352 F.3d 545, 557 (2d Cir. 2003). If relevant information is omitted from, or comes to light after the publication of, a DEIS, the appropriate remedy is an SDEIS that analyzes the impacts of the new information. 40 CFR § 1502.9(c) (“Agencies shall prepare supplements to either draft or final environmental impact statements if ... there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.”)

- LA23-7 In preparing an EIS, FERC is bound by both its own NEPA regulations, 18 C.F.R. Part 380, and by the regulations promulgated by the White House Council on Environmental Quality (“CEQ”), 40 C.F.R. Part 1501 et. seq. These regulations require FERC, as lead agency for the Proposed Action, to publish a DEIS for public comment, and to provide sufficient information for the public to meaningfully evaluate and comment on the agency’s conclusions. See 40 C.F.R. § 1506.10(c). As stated by CEQ, “[a]ccurate scientific analysis ... [and] public scrutiny are essential to implementing NEPA.” 40 C.F.R. § 1500.1.

LA23-5 WPP’s project is identified and discussed in sections 4.8.3.2, 4.12.3, and 4.13 of the EIS addressing land use conflicts, safety impacts, and cumulative impacts. See also the responses to comments SA7-4 and SA12-2.

LA23-6 See the responses to comments FA4-1 and FA6-5.

LA23-7 See the response to comment FA4-1.

LA23 – Town of Cortlandt (cont'd)

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LA23-7
(cont'd)

In addition to evaluating a proposed action's environmental impacts, an EIS must "rigorously explore and objectively evaluate ... reasonable alternatives" as well as "means to mitigate adverse environmental impacts." 40 C.F.R. §§ 1502.14(a), 1502.16(h). The alternatives analysis is "the heart of the environmental impact statement ... sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public." 40 C.F.R. § 1502.14. Similarly, "omission of a reasonably complete discussion of possible mitigation measures would undermine the 'action-forcing' function of NEPA. Without such a discussion, neither the agency nor other interested groups and individuals can properly evaluate the severity of the adverse effects." Methow Valley Citizens Council, 490 U.S. 332 at 352. Therefore, an agency may not defer the analysis of mitigation measures until after the publication of the DEIS.

The DEIS Does Not Comply With the Requirements of NEPA

A. The DEIS Fails to Take a Hard Look at Alternate Locations for the Hudson River Crossing

LA23-8

The Proposed Action crosses the Hudson River within the Town of Cortlandt, making landfall in the residential hamlet of Verplanck. This crossing location poses a range of significant environmental impacts. First, it would require horizontal directional drilling ("HDD") adjacent to a quiet residential neighborhood, exposing the residents of Verplanck to significant noise and construction impacts. As stated in the DEIS: "Noise impacts during construction would be highly localized and attenuate quickly as the distance from the noise source increases. The one exception to this would be certain HDD activities at the Hudson River [crossing] ..." (DEIS at ES-7.) At the Hudson River crossing, construction activities "are expected to continue into the nighttime hours." (Id. at 4-249.) This construction would impose potentially significant noise impacts upon the surrounding community, with an unmitigated day-night sound average of 63.7 dBA in Verplanck – well above the Environmental Protection Agency's public health standard 55 dBA.³ (Id.) While the Applicant claims that mitigation measures could reduce those noise impacts to 54.7 dBA, this claim is predicated upon a distance of 630 feet between the site center and the nearest

³ Day-night average noise levels are calculated by adding 10 dBA to the 24-hour equivalent sound level (Leq) to account for people's greater sensitivity to nighttime sound levels. (DEIS at 4-237.) The Applicant does not state how it calculated the noise impacts of HDD operations on the surrounding community, and the noise study the Applicant claims to have relied upon is not appended to the DEIS.

LA23-8

The entrance/exit locations for the proposed Hudson River HDD crossing have been revised. Algonquin provided a revised acoustical analysis based on the revised entrance/exit locations, which resulted slightly higher impacts as compared to those presented in the draft EIS. Table 4.11.2-4 of the EIS has been revised to reflect the revised acoustical analysis, which is available for review as part of the FERC docket for the Project. Algonquin has committed to providing mitigation measures as summarized in section 4.11.2.3 of the EIS, which would ensure that noise resulting from the HDD activities would not exceed the 55 decibels on the A-weighted scale (dBA) day-night average sound level (Ldn) and would result in a noise increase of less than 10 decibels (dB) above ambient noise. Additionally, FERC staff have recommended additional measures during construction to ensure that the proposed noise mitigation measures are successful and actions to be taken in the event that noise levels exceed either 55 dBA Ldn or 10 dB above ambient noise.

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LA23-8
(cont'd) sensitive receptors. (*Id.*) Based upon the depictions in the Appendices to the DEIS, however, the HDD exit location appears considerably closer to residences in Verplanck, which would result in increased noise impacts. (See DEIS App. J at J-14.) Moreover, even if the Applicant's original noise study (which is not provided in the DEIS) was correct, the proposed HDD activities would still result in a 6.6% increase over existing, ambient noise levels. (DEIS at 4-249.)

LA23-9 HDD also requires "land-based staging areas along both sides of the proposed crossing," involving the clearing of trees and vegetation that currently provides a buffer surrounding nearby residences. (*Id.* at 2-34.) The proposed crossing location requires additional clearing of a new, permanent right-of-way that borders the proposed electricity transmission cable proposed by WPP. This new right-of-way would pass through Verplanck, including the grounds of the historic St. Patrick's Church, and extend north through Village Park⁴ before reconnecting with the right-of-way for Algonquin's existing pipelines in Buchanan. (*Id.* 4-154, 4-156.)

In short, the location of the Proposed Action's Hudson River crossing would disrupt a quiet residential neighborhood; require tree clearing and de-vegetation to establish a new right-of-way; raise additional safety and construction impacts due to its proximity to the proposed WPP project; and require new construction on the grounds of a historic church and park. Despite these potentially significant environmental impacts, the DEIS considers only one alternative location for the Hudson River crossing, which runs "parallel to and on the north side of the existing mainline right-of-way across the River" (also known as the Hudson River Northern Route Alternative, or "HRNRA"). (*Id.* at 3-18.)

The HRNRA would mitigate the foregoing adverse impacts. Because the path of the HRNRA tracks the right-of-way for the Applicant's existing pipelines, it would require less de-vegetation than the Proposed Action, and would disturb less than half as many wetland acres as the proposed route. (*Id.* at 3-19.) The HRNRA would not require staging in a residential neighborhood, and would entirely avoid the proposed action's impacts on St. Patrick's Church and Village Park. Finally, the HRNRA would eliminate the Proposed Action's cumulative impacts with the WPP project, because it would cross the Hudson River north of the proposed WPP power cable and transformer station.

⁴ Cortlandt notes that the DEIS does not discuss the potential need for parkland alienation legislation prior to establishing this permanent pipeline right-of-way in a municipal park. See *United States v. City of New York*, 96 F.Supp.2d 195, 202 (E.D.N.Y. 2000) ("[O]nce land has been dedicated to use as a park, it cannot be diverted for uses other than recreation, in whole or in part, temporarily or permanently, even for another public purpose, without legislative approval.") This subject must also be analyzed in any SDEIS prepared by FERC.

LA23-9 Our evaluation of route alternatives to the proposed Hudson River crossing is included in section 3.5.1 of the EIS.

LA23 – Town of Cortlandt (cont'd)

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LA23-9
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The DEIS acknowledges that the HRNRA would provide the same capacity as the Proposed Action, but nonetheless asserts that it “would not be technically feasible and would not provide any significant advantages over the proposed route.” (*Id.* 3-22.) This summary rejection of the HRNRA is not supported – and in many instances is contradicted – by the DEIS.

With respect to technical feasibility, the DEIS asserts that “a successful HDD of [the] length [of the HRNRA] and in these geological conditions would be technically challenging and unprecedented.” (*Id.* at 3-21.) However, the DEIS does not assess whether there are: (a) viable alternatives to HDD for the HRNRA, (b) measures that could be taken to mitigate the technical challenges posed by the HRNRA, or (c) alternate locations for the crossing where the Hudson River is narrower and the geological conditions are more favorable to HDD than the HRNRA.

LA23-10

To date, the Applicant has not provided a “contingency plan” that would be implemented should HDD in the currently proposed crossing location prove infeasible. (*Id.* at 2-36.) This oversight violates both NEPA and the Applicant’s own Erosion and Sediment Control Plan, which requires “for each waterbody or wetland that would be crossed using the HDD method ... [a] contingency plan for crossing the waterbody or wetland in the event the HDD is unsuccessful ...”

LA23-11

With respect to environmental impacts, the DEIS acknowledges a range of potentially significant impacts that would be mitigated by an alternate Hudson River crossing – including but not limited to noise and construction impacts on nearby residential receptors, impacts on public parks and historic properties, wetland impacts, and community character/quality of life impacts. **In light of the significant impacts associated with the proposed Hudson River crossing location, the Town of Cortlandt urges FERC to reconsider the relative benefits of the HRNRA and to analyze additional Hudson River crossing locations in an SDEIS, and to impose appropriate mitigation measures (including but not limited to an alternate crossing route) that would mitigate the foregoing environmental impacts.**

B. The DEIS Misstates Material Facts and Unlawfully Defers Analysis of the Cumulative Impacts of the Proposed Action With the Proposed West Point Partners Transmission Cable

LA23-12

A DEIS must also include a “cumulative impact analysis” addressing “the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions” of any agency or individual. *See* 40 C.F.R. § 1508.7. The DEIS for the Proposed Action must

LA23-10

As discussed in section 4.3.2.3 of the EIS, there is a high likelihood of success with the proposed HDDs. If the HDDs are not successful, Algonquin would be required to identify a new location for the crossing or new methodology, and request approval for the new location or methodology with all applicable agencies.

LA23-11

Section 3.5.1 has been revised to include additional analysis of the Hudson River Northern Route Alternative.

LA23-12

See the responses to comments SA1-12 and SA12-2. The draft EIS identified the potential cumulative impacts associated with WPP’s project along with the proposed Project and other projects in section 4.13 based on the current information available at the time of issuance. The cumulative impacts of these projects in the final EIS has been updated based on the current construction schedules and facility locations.

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therefore consider its cumulative impacts with the WPP converter station and electricity transmission cable, which borders the proposed pipeline in the neighborhood of Verplanck.

The DEIS asserts that "The West Point Transmission Project would be about 530 feet west of the AIM Project, at the closest point." (DEIS at 4-148.) This assertion is offered without any support, and is belied by the representations made by the Applicant to the New York State Department of Environmental Conservation ("NYSDEC") and by WPP to the New York State Public Service Commission ("NYSPSC"). As shown in the Applicant's depiction of the Proposed Action and WPP's depiction of its project, attached hereto as **Exhibit A**, the WPP cable will run through or adjacent to the new right-of-way immediately west of 11th Street in Cortlandt, no more than 50 feet from the proposed pipeline.

The critical assumption underlying the Applicant's analysis of the Proposed Action's cumulative impacts with the WPP Project thus appears to be off by a factor of at least 10. Because FERC cannot take a hard look at the Proposed Action's cumulative impacts without an accurate assessment of its distance from the proposed WPP cable, the Town of Cortlandt urges FERC require an SDEIS containing a cumulative impacts analysis based upon the actual distance between the Proposed Action and the WPP Project, and to impose appropriate mitigation measures as a condition of any Project approval.

Moreover, according to filings with the New York State Public Service Commission ("PSC"), WPP's construction schedule is likely to overlap with the construction of the Proposed Action. As both the WPP project and the Proposed Action will require two-year construction periods, even if one of the foregoing schedules was delayed there remains a substantial risk that they would coincide at least in part.

The DEIS, however, does not contain any analysis of cumulative noise, traffic, air pollution, and other environmental impacts from the simultaneous construction of both the Proposed Action and the WPP project. Instead, the DEIS states that "should construction of the two projects overlap ... the parcel is large enough to accommodate both projects." (*Id.* at 4-148.) The capacity of the parcel to "accommodate both projects" merely highlights the need for a cumulative construction impacts analysis, as the Applicant acknowledges the possibility that residents of Verplanck could be subject to substantial – and unstudied – impacts from the simultaneous construction of two major energy projects. In light of the potential overlap between the construction of the Proposed Action and the WPP project, the Town of

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LA23-12
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Cortland urges FERC to require an SDEIS analyzing cumulative construction impacts should those schedules coincide, and to impose appropriate mitigation measures as a condition of any Project approval.

LA23-13

Finally, the DEIS fails to provide any analysis of (a) the impacts of stray currents from the WPP project on the proposed pipeline or (b) cumulative safety impacts arising from the proximity of the two projects (exacerbated, as described infra, by their close proximity to a seismic zone and the Indian Point Nuclear Facility). Instead, the DEIS defers such analysis, and the consideration of mitigation measures, until an undefined later date. (See id. at 4-266) (“Algonquin has committed to conducting an alternating current/direct current (AC/DC) interference study and incorporating field surveys and comprehensive modeling to identify potential adverse effects on the pipeline from stray currents and from inductive, conductive, and coupling AC/DC effects from nearby AC/DC utilities. After completion of the study, mitigation requirements would be determined ... Prior to construction of the Stony Point to Yorktown Take-up and Relay segment, Algonquin should file with the Secretary its final AC/DC interference study associated with the West Point Transmission Project, documentation of all consultations with WPP, and any additional mitigation measures to address safety-related issues.”) (emphasis added).

The deferral of such mitigation is not permitted under NEPA, which requires the analysis of all relevant impacts and mitigation measures in the DEIS. As the Supreme Court has stated, “Mitigation must be discussed in sufficient detail to ensure that environmental consequences have been fairly evaluated.” Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 353 (1989). See also City of Carmel-By-The-Sea v. U.S. Dep’t of Transp., 123 F.3d 1142, 1154 (9th Cir.1997) (“An Environmental Impact Statement cannot ... omit a reasonably thorough discussion of mitigation measures because to do so would undermine the action-forcing goals of the National Environmental Policy Act.”); Town of Huntington v. Marsh, 859 F.2d 1134, 1143 (2d Cir. 1988) (deferral of cumulative impacts analysis is improper under NEPA); Nat’l Audubon Soc’y v. Butler, 160 F. Supp. 2d 1180 (W.D. Wash. 2001) (“[A]gencies cannot defer analysis of cumulative impacts to an unspecified future date ... They must consider a project as a whole and must consider other actions that might affect the environment, even those actions taken by someone other than the agency.”); 40 C.F.R. § 1502.21 (“No material may be incorporated by reference [into an EIS] unless it is reasonably available for inspection by potentially interested persons

LA23-13 See also the responses to comments FA4-25, SA4-2, SA7-4, and FA4-1.

LA23 – Town of Cortlandt (cont'd)

LA23-13
(cont'd)

within the time allowed for comment.” **The Town of Cortlandt therefore urges FERC to require the proposed AC/DC interference study and analysis of mitigation measures to be released for public review and comment during the Proposed Action’s NEPA review, and to impose appropriate mitigation measures as a condition of any Project approval.**

C. The DEIS Fails to Take a Hard Look at the Cumulative Impacts of the Proposed Action and the Spectra Atlantic Bridge and Access Northeast Projects

LA23-14

The Proposed Action is not the only pipeline expansion proposed by Spectra Energy Corp. (“Spectra”), Algonquin’s parent company, that threatens to impact Cortlandt and the surrounding area. A second proposal, the Atlantic Bridge Project, would further expand Spectra’s pipeline capacity between New York and Canada’s Maritime provinces. According to Spectra, “the Atlantic Bridge Project [is] a proposed expansion of the Algonquin Gas Transmission and Maritimes & Northeast Pipeline systems, [which] will connect abundant North American natural gas supplies with markets in the New England states and the Maritime provinces.”⁵ The projected “in-service date” for the Atlantic Bridge Project is November 2017, one year later than the projected in-service date for the Proposed Action.

The Atlantic Bridge Project involves “additional expansion of the Algonquin pipeline ... beyond [the Proposed Action]”⁶ Such expansions could add up to 600,000 dekatherms per day (Dth/day) of additional capacity, almost twice the size of the Proposed Action. The Atlantic Bridge project would involve work in New York, Connecticut, Rhode Island, and Massachusetts, “the same region of influence as the [Proposed Action].” (DEIS at 4-272.) However, the Applicant asserts that “because the Atlantic Bridge Project would not occur at the same time as the [Proposed Action], and because details are not known,” the cumulative impacts of the two Projects need not be considered in the DEIS. (*Id.*)

If the Atlantic Bridge Project is scheduled to be operational in late 2017, it is likely to require construction beginning in 2016, while construction of the Proposed Action is still ongoing. Moreover, even if the construction schedules do not overlap, the lasting impacts of the

⁵ Spectra Energy, *New Projects and Our Process: Atlantic Bridge Project*, <http://www.spectraenergy.com/Operations/New-Projects-and-Our-Process/New-Projects-in-US/Atlantic-Bridge/> (last accessed September 15, 2014).

⁶ Spectra Energy Corp. letter to New England States Committee on Electricity, Feb. 10, 2014, http://www.nescoe.com/uploads/Spectra_CommentonGasLevel_Revised_10Feb2014.pdf (last accessed Sept. 15, 2014).

LA23-14 See the responses to comments FA3-5 and LA23-16.

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two proposals – including wetland and habitat disturbances, community character impacts, and increased air and noise pollution from compressor and metering and regulating station modifications – must still be considered cumulatively. (See id.) (“If the Atlantic Bridge Project gets constructed, air emissions during operation of compressor stations would overlap with the operational air emissions of the AIM Project.”)

A third Spectra pipeline expansion – known as the Access Northeast Project – threatens to more than double the capacity provided by the Proposed Action and the Atlantic Bridge Project. Spectra Claims that Access Northeast will “complement Spectra Energy’s previously announced AIM and Atlantic Bridge projects” by further expanding capacity along the Algonquin and Maritimes pipelines by up to 1,000,000 Dth/day of natural gas per day.⁷ However, the Access Northeast Project is not mentioned once in the DEIS.

In summary, while the Applicant claims the Proposed Action would increase natural gas transportation by 342,000 Dth/day of natural gas (an increase of 23%), the cumulative impact of the Proposed Action, the Atlantic Bridge Project, and the Access Northeast Project are likely to be several times that amount. Indeed, the proposed 62% increase in the circumference of the natural gas pipeline replaced in the Proposed Action suggests the Applicant is contemplating more than the 23% increase in transmission capacity disclosed in the DEIS.

LA23-15

As these “complementary” projects affect many of the same pipelines, including those running through the Town of Cortlandt, the Applicant cannot segment their review for the purposes of NEPA. See Delaware Riverkeeper Network v. FERC, 753 F.3d 1304 (D.C. Cir. June 6, 2014) (“FERC acted arbitrarily in deciding to evaluate the environmental effects of the Northeast Project independent of the other connected actions ... There were clear indications in the record that the improvement projects were functionally and financially interdependent, and ... functioned as one unified upgrade ...”); 40 C.F.R. § 1502.4 (“Proposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement.”) To the extent that any of the analyses in the DEIS is based upon a 342,000 Dth/day increase in transmission capacity, the resulting conclusions are flawed and must be recalculated based upon the combined increase from the Proposed Action, the Atlantic Bridge Project and the Access Northeast Project.

⁷ Spectra Energy, Spectra Energy and Northeast Utilities Announce New England Energy Reliability Solution, <http://www.spectraenergy.com/Newsroom/News-Archive/Spectra-Energy-and-Northeast-Utilities-Announce-New-England-Energy-Reliability-Solution/> (last accessed Sept. 24, 2014).

LA23-15 See the responses to comments FA3-5 and SA2-2.

LA23 – Town of Cortlandt (cont’d)

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LA23-16 Nor can the Applicant avoid the required cumulative impacts analysis by asserting that the “details” of the Atlantic Bridge Project and the Access Northeast Project “are not known.” (See DEIS at 4-272.) The Applicant knows the area covered by the Atlantic Bridge Project, and in June 2014 it provided a map of specific construction activities that may be undertaken as part of that project, including new and modified compressor stations, enlarged pipelines, and new pipeline loops.⁸ Similarly, in September 2014 Spectra issued a press release that “announced details of the Access Northeast project”⁹ **Therefore, the Town of Cortlandt urges FERC to require an SDEIS analyzing the cumulative impacts of the Proposed Action, the Atlantic Bridge Project, and the Access Northeast Project, and to impose appropriate mitigation measures as a condition of any Project approval.**

D. The DEIS Fails to Take a Hard Look at the Safety and Electric Reliability Impacts of the Proposed Action’s Proximity to the Indian Point Nuclear Facility

LA23-17 In addition to its proximity to the proposed WPP project, portions of the Proposed Action would be constructed on or adjacent to the grounds of the Indian Point Energy Center (“Indian Point”) within the Town of Cortlandt. Indian Point provides approximately one quarter of the electricity used in Westchester County and New York City, routed through a Buchanan power substation located nearby the proposed pipeline. In 1977, a lightning strike at this substation resulted in a two-day long blackout in New York City.

Both the proposed action and Indian Point overlie an active fault line that the applicant acknowledges “has been linked to ... recent earthquake occurrence in the area.” (DEIS at 4-7.) The DEIS also states that “the transportation of natural gas by pipeline involves some incremental risk to the public due the potential for accidental release of natural gas. The greatest hazard is a fire or explosion following a major pipeline rupture.” (*Id.* at 4-255.) NEPA requires FERC to analyze such “impacts which have catastrophic consequences, even if their probability of occurrence is low” 40 C.F.R. § 1502.22(b)(4).

⁸ Spectra Energy, [Atlantic Bridge Project: Preliminary Facilities Diagram](http://www.spectraenergy.com/content/inline-images/Maps/map_atlantic_bridge_full2.jpg) http://www.spectraenergy.com/content/inline-images/Maps/map_atlantic_bridge_full2.jpg (last accessed Sept. 15, 2014).

⁹ Spectra Energy, [Spectra Energy and Northeast Utilities Announce New England Energy Reliability Solution](http://www.spectraenergy.com/Newsroom/News-Archive/Spectra-Energy-and-Northeast-Utilities-Announce-New-England-Energy-Reliability-Solution/), <http://www.spectraenergy.com/Newsroom/News-Archive/Spectra-Energy-and-Northeast-Utilities-Announce-New-England-Energy-Reliability-Solution/> (last accessed Sept. 24, 2014).

LA23-16 See the responses to comments FA3-5, FA4-24, and IND193-5. Algonquin has not filed an application with the Commission for the Access Northeast Project. Rather, Algonquin is still evaluating the potential Access Northeast Project based on interest for additional natural gas supplies in New England in response to the New England governors' initiative on new energy infrastructure and in anticipation of a request for proposal from the New England States Committee on Electricity to expand existing natural gas pipeline capacity and meet critical demand for reliable electric power generation. The Access Northeast Project is still in the development phase and information about any planned facilities associated with the project that would inform a cumulative impacts analysis are not available. Spectra's current schedule for the Access Northeast Project would result in an in-service by November 2018, 2 years after the target date for the AIM Project facilities and 1 year after the target date for the Atlantic Bridge Project facilities. The cumulative impacts section of the final EIS has been updated to identify the information available for the Access Northeast Project, based on publically available information on Spectra's website.

LA23-17 See the responses to comments FA4-1, FA4-25, SA4-2, and LA2-6.

LA23 – Town of Cortlandt (cont’d)

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LA23-17
(cont'd)

Although the Applicant asserts that the proposed pipeline route “would not pose any new safety hazards to the [Indian Point] facility,” the DEIS does not contain the factual analysis required to support that claim. Instead, the DEIS improperly delegates the consideration of “potential safety-related conflicts” to Entergy (the owner and operator of Indian Point), whose analysis may not be complete until after the DEIS comment period. (See DEIS at 5-25.) Similarly, mitigation measures will not be determined until after the submission of the Entergy study, depriving the public of the opportunity to comment on such measures under NEPA. (Id.)

FERC may not delegate its statutory obligations under NEPA to Entergy, or defer the analysis of potentially significant environmental impacts and mitigation measures until after the review of the DEIS. See Methow Valley Citizens Council, supra. Instead, the public – and in particular the residents of Cortlandt who are singularly affected by any “safety-related conflicts” between the Proposed Action and Indian Point – must be afforded sufficient opportunity to review and comment on a comprehensive safety analysis during the DEIS comment period.

LA23-18

Finally, the DEIS fails to consider the impacts of a pipeline rupture on regional electricity supplies, and whether such impacts may be mitigated through additional safety measures surrounding the Buchanan power substation or an alternate route for the proposed action. **The Town of Cortlandt urges FERC to require an SDEIS analyzing the cumulative impacts of the Proposed Action and Indian Point, and to impose appropriate safety and reliability mitigation measures as a condition of any Project approval.**

E. The DEIS Fails to Take a Hard Look at the Proposed Action’s Impacts on the St. Patrick Church and Buchanan-Verplanck Elementary School

St. Patrick’s Roman Catholic Church is the oldest Catholic parish and burial ground in Westchester County, established in 1842. It is a cornerstone of Cortlandt’s architectural and culture heritage, listed on the National and New York State Registers of Historic Places. St. Patrick’s is also an active church, drawing parishioners from the Verplanck community and beyond.

The Proposed Action would not only run underneath the St. Patrick’s property; it would also require a construction staging area on the church’s parking lot. As acknowledged in the DEIS, “construction of the Project would restrict parking and could interfere with access to the church. Temporary noise and dust impacts would also occur during construction ... [W]ithout mitigation, construction could result in significant adverse impacts.” (DEIS at 5-154.)

LA23-18 See the responses to comments FA4-25 and LA2-6.

LA23 – Town of Cortlandt (cont'd)

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The Proposed Action would also impact the Buchanan-Verplanck Elementary School, a public school serving approximately 300 students. The proposed pipeline would be located adjacent to the school property, less than 500 feet from the school itself. According to the DEIS, "[c]onstruction noise and dust [associated with the Proposed Action] could ... cause a temporary disturbance of the school's operation." (Id. at 4-155.)

LA23-19 The DEIS, however, does not provide mitigation plans or assess potential mitigation measures for impacts on St. Patrick's Church or the Buchanan-Verplanck Elementary School. Instead, it improperly deferred such plans and had not released them as of September 25, 2014, leaving inadequate time to review and comment on those plans even if they were to be released on the final day of the comment period. The CEQ requirement that agencies provide a minimum 45-day comment period on a DEIS would have no effect if applicants were permitted to withhold critical information from public review until the day that comments were due. 40 C.F.R. § 1506.10(c)

In light of proposed action's potentially significant impacts on St. Patrick's Church and the Buchanan-Verplanck Elementary School, the Town of Cortland urges FERC to require an SGEIS that contains revised mitigation plans, including an analysis of alternative pipeline routes that would avoid impacts to those cultural and historic resources, and to impose appropriate mitigation measures as a condition of any Project approval.

F. The DEIS Fails to Take a Hard Look at the Proposed Action's Socio-Economic Impacts on the Town of Cortlandt and its Residents

LA23-20 The Proposed Action would place a potentially significant strain on the Town of Cortlandt's infrastructure and public services. As stated in the DEIS, "[i]n the event of an ... accident, Algonquin's contractors could require police, fire, and/or medical services, depending on the type of emergency." (DEIS at 4-177.) Moreover, due to the proximity of the expanded pipeline to Indian Point and the proposed WPP transmission project, the Town of Cortlandt may be required to expend considerable resources to ensure that it is prepared for a catastrophic accident, including new training for first responders and the procurement of new emergency response equipment.

The DEIS does not quantify the Proposed Action's increase on the demand for municipal public services. Nonetheless, the Applicant asserts "there are ample public services available in

LA23-19 See the responses to comments FA4-1, SA1-8, SA1-9, and SA4-5. The Project avoids impacting historic properties near St. Patrick's Church and Buchanan-Verplanck Elementary School.

LA23-20 As discussed in section 4.9.1 of the EIS, Algonquin anticipates hiring up to 76 percent of the construction workers for the Project locally, which would offset the strain of additional new people requiring services. While we acknowledge that short-term, temporary impacts on certain public services are possible, we conclude that overall there are ample services available in the area to meet the needs of the AIM Project. See also the responses to comments LA1-4 and LA1-9.

LA23 – Town of Cortlandt (cont'd)

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LA23-20 (cont'd) the area to meet the needs of the AIM Project.” (*Id.* at 4-177.) This assurance is not supported by any analysis of specific municipalities’ capacities, but rather aggregates the total amount of fire stations, police departments, schools and hospitals by county, without even estimating of the Proposed Action’s impact on those country-wide services. (*Id.* at 4-178.) Moreover, even if public services could accommodate the increased demand associated with the Proposed Action on a county or regional basis, the majority of such services would be provided by the affected municipalities. The DEIS must consider the Proposed Action’s socio-economic impacts on those municipalities, along with any reasonable measures that may reduce any significant, adverse impacts. **Therefore, the Town of Cortlandt urges FERC to require an SDEIS analyzing the impacts of the Proposed Action on affected municipalities’ infrastructure and public services, and to impose appropriate mitigation measures as a condition of any Project approval.**

LA23-21 As part of the Proposed Action’s socio-economic impact analysis, FERC’s NEPA guidance calls for consideration of impacts on surrounding property values. (*See* FERC, *Preparing Environmental Documents: Guidelines for Applicants, Contractors and Staff* at A-11, Sept. 2008). The DEIS devotes only half a page to this subject, which contains no quantitative analysis or factual support for the Applicant’s conclusion that “the AIM Project would not negatively impact property values outside the pipeline rights-of-way or aboveground facility boundaries.” (DEIS at 4-188.) Moreover, while the DEIS asserts that “most of the ... pipeline

LA23-22 segments would be installed within Algonquin’s existing right of way,” that is not true for the proposed extension of the pipeline through the neighborhood of Verplanck. (*Id.*) Instead, the pipeline extension between Mile Post 3.9 and 5.5 in Cortlandt would require a new right of way, shorn of the trees and vegetation that currently provide a natural buffer for the surrounding residential community.

The Proposed Action would also impose significant non-monetary costs upon the surrounding community, which must be considered in the DEIS. The neighborhoods within Cortlandt impacted by the Proposed Action are primarily zoned residential, and the Town’s Master Plan emphasizes the preservation of the Town’s “essential residential character.” (Town of Cortlandt Master Plan at 2-6.) The Master Plan also calls for a “natural buffer between and within residential neighborhoods to protect and enhance quality of life and neighborhood character.” (*Id.* at 1-5.) In contrast, the addition of a new natural gas pipeline and de-vegetated right of way in Verplanck would eliminate the natural buffer that surrounds that community,

LA23-21 Section 4.9.8 of the EIS has been updated to include additional discussion of the Project’s potential impacts on property values. In summary, several studies have been conducted to evaluate the effect of pipelines on property values and all have concluded that there is no significant impact on property values located along natural gas pipelines and associated infrastructure.

LA23-22 Although new permanent right-of-way would be required in the Town of Cortlandt, an existing wooded buffer would be maintained between existing residential areas and the new permanent easement; therefore, the Project would not impact the natural buffer between and within existing residential neighborhoods in Cortlandt. Regarding Cortlandt’s “essential residential character,” the cited section of the Cortlandt Master Plan presents a policy of focusing higher residential densities in already built-up areas. The proposed pipeline would not impact the Town’s ability to plan residential densities in order to preserve its existing character. The EIS has been updated to include discussion of any conflicts with the residential land uses in Cortlandt’s Master Plan.

LA23 – Town of Cortlandt (cont'd)

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LA23-22
(cont'd) undermining the policy set forth by the Town Board. While the Applicant is required to consider the "[e]ffects of constructing or operating the project on land use patterns and compatibility of the project with existing land use plans or designations," the DEIS contains no discussion of Cortlandt's Master Plan of the impacts of the Proposed Action on the residential character of Cortlandt. (See FERC, Preparing Environmental Documents: Guidelines for Applicants, Contractors and Staff at A-9.) In light of the Proposed Action's close proximity to residential neighborhoods, the Town of Cortlandt urges FERC to require an SDEIS analyzing the impacts of the Proposed Action upon (a) surrounding property values, (b) the residential character of Cortlandt, and (c) the land use policies set forth in Cortlandt's Master Plan, and to impose appropriate mitigation measures as a condition of any Project approval.

LA23-23

G. The DEIS Fails to Take a Hard Look at the Proposed Action's Wetland and Wildlife Habitat Impacts Within Cortlandt

LA23-24 The proposed action would impact approximately 52 acres of wetlands and require construction within two vernal pools. Both of these vernal pools are located within the Town of Cortlandt. (DEIS at ES-4, 4-62.) The first is part of the Blue Mountain Reservation, a county park that "is also classified as a biodiversity hub in the Croton-to-Highlands Biodiversity Plan, because it provides an area of high-quality wildlife habitat in a densely developed area for many wildlife species, including amphibians and reptiles, such as spotted salamanders, gray tree frogs, wood frogs, garter snakes, milk snakes, and the black rat snake." (Id. at 4-85.) The second is located within or around the Furnace Brook Headwater Preserve, which is a habitat fragment of concern in the Croton-to-Highlands Biodiversity Plan.

The potential impacts on these vernal pools include both short- and long-term harm to wetland vegetation, water quality, biological activity, and ecosystem services. (See id. at 4-60) The DEIS does not provide any detail on the scope or severity of such impacts, however, and does not specify any plans to mitigate impacts on the two pools directly affected by construction. Instead, the Applicant states that "prior to construction in the vicinity of the two vernal pools, Algonquin should file with the Secretary, for review and written approval of the Director of the OEP, revised site-specific crossing plans incorporating any additional avoidance or mitigation measures for the two vernal pools as required through the permit review process with the applicable agencies." (Id.) The Applicant need not await final approval from the New York

LA23-23 See the responses to comments LA23-21 and LA23-22.

LA23-24 See the response to comment FA4-8. FERC recognizes that site-specific crossing plans for the two vernal pools in New York are needed and has requested revised site-specific crossing plans that incorporate any additional avoidance or mitigation measures required through the permit review process with applicable agencies prior to issuing a Notice to Proceed for construction.

LA23 – Town of Cortlandt (cont'd)

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LA23-24
(cont'd) State Department of Environmental Conservation (NYSDEC) before developing and analyzing its own mitigation plans for the two vernal pools, however.

LA23-25 Moreover, while the Applicant has applied for wetlands permits from the United States Army Corps of Engineers, NYSDEC, and the Connecticut Department of Environmental Protection, it has not applied for a wetlands permit from the Town of Cortlandt, as required for “[a]ny form of draining, dredging, grading, excavation or removal of material” from wetlands within the Town. (Cortlandt Town Code § 179-3.) **In light of the Proposed Action’s potentially significant impacts on vernal pools and wetlands, the Town of Cortlandt urges FERC to require additional analysis of such impacts in an SDEIS, to require the Applicant’s compliance with the Cortlandt Wetlands Law, and to impose appropriate mitigation measures as a condition of any Project approval.**

H. The DEIS Fails to Take a Hard Look at the Impacts of Proposed Modifications to the Cortlandt Metering and Regulating Station

In addition to the proposed pipeline construction, the Applicant has proposed a series of modifications to the Cortlandt metering and regulating (M&R) station, located within the residential Crompond neighborhood. These modifications include the installation of a new natural gas-fired heater and replacement of inlet piping. According to the Applicant, construction activities surrounding the Cortlandt M&R station would disturb 2.6 acres of open space and woodlands, a greater disturbance than proposed at any of the other 27 accessory stations affected by the Proposed Action. (DEIS Tbl. 4.5.4-1.)

LA23-26 According to the Applicant, the Cortlandt M&R station is located less than 100 feet from the nearest home. The day-night average noise levels from the station are 58.7 dBA. (DEIS at 4-254.) This ambient noise exceeds FERC’s noise criterion of 55 dBA, which FERC has characterized as “the maximum level which will not affect public health and welfare by interfering with speech or other activities in outdoor areas ...” (Blanket Certification of Routine Gas Pipeline Transactions, Environmental Assessment at 25 [July 1981]). Based upon FERC’s own standards, the Cortlandt M&R station already poses potentially significant noise impacts to the surrounding community.

Instead of mitigating those impacts, however, the proposed modifications would exacerbate them, increasing day-night average noise levels from the Cortlandt M&R station to

LA23-25

As described in section 4.4.3.2 of the EIS, Algonquin has applied to the NYSDEC and USACE for CWA permits for the Project. As part of the permitting process, Algonquin included site-specific crossing plans for the vernal pools in New York that would be impacted by Project construction. Because the permits are currently under review, we included a recommendation in the EIS that prior to construction Algonquin provide copies of the final site-specific crossing plans and required mitigation for these features for review and approval by the Director of the Office of Energy Projects (OEP). No construction would be permitted in these areas without final approval of the Director of the OEP. See also the response to comment SA4-15.

LA23-26

As shown in in table 4.11.2-6 of the EIS, the existing noise attributable to the Cortland M&R Station and other ambient noise is above the 55 dBA Ldn criterion. However, the modifications proposed would result in a 1 dB increase above the existing ambient levels. This increase would be imperceptible; therefore, this potential impact is considered less than significant.

LA23 – Town of Cortlandt (cont'd)

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LA23-26
(cont'd)

59.7 dBA, the second loudest of Algonquin's 10 M&R stations. These modifications also have the potential to violate the Town of Cortlandt's Noise Code, which prohibit any nighttime noise levels exceeding 55 dBA in residentially zoned districts, and additionally prohibit any "excessive or unusually loud sound or any sound which either annoys, disturbs, injures, or endangers that comfort, repose, health, peace or safety of a person." (Cortlandt Town Code §§ 197-4; 197-14.)

However, while the DEIS considers the Proposed Action's consistency with the Town of Southeast's Noise Code, the Town of Cromwell's Noise Code, and the Massachusetts Department of Environmental Protection's noise regulations, it does not mention Cortlandt's Noise Code, which applies to both the construction and operation of the proposed action. The DEIS also does not take a hard look at mitigation measures aimed at reducing such impacts, but rather states that "Algonquin ... [is] currently evaluating noise control measures to be implemented at the proposed modified and new M&R stations and MLR sites." (DEIS at 4-253.) To provide the public with sufficient opportunity to review and comment on the proposed mitigation measures, this evaluation must occur in a transparent manner during the DEIS review process. In light of the proposed action's potentially significant noise impacts, the Town of Cortlandt urges FERC to require an SDEIS analyzing whether the noise generated by the Proposed Action – including the modified Cortlandt M&R station – complies with the Town of Cortlandt's Noise Code, to release site-specific noise mitigation plans for public review and comment, and to impose appropriate noise mitigation measures as a condition of any Project approval.

I. The DEIS Fails to Take a Hard Look at the Potential Release and Resuspension of Hazardous Substances

LA23-27

As described above, the Proposed Action requires the installation of approximately 4,500 feet of pipeline underneath the Hudson River, a United States Superfund Site with elevated concentrations of polychlorinated biphenyls ("PCBs") in the sediment. However, the DEIS does not analyze the impacts of the proposed Hudson River crossing on PCBs, or the environmental effects of disturbing potentially contaminated sediment. Despite limited sampling surrounding the entry and exit points, most of the sediment affected by the Proposed Action has not been tested for PCBs and other contaminants, nor has the Applicant evaluated the potential impacts for increased turbidity and sediment resuspension during the pipeline installation process.

LA23-27

As noted in section 4.2.2.6 of the EIS, contamination may be present within surficial soils at locations where a HDD is proposed. Algonquin conducted a review of each of the planned HDD entry/exit locations and found no documented soil contamination. In utilizing the HDD crossing method, the pipeline would be installed at a depth of approximately 160 feet below the Hudson River bed. Utilizing the HDD method avoids disturbance to river-bottom sediments, as all subsurface materials removed along the drill path during the drilling process is removed from the borehole and contained within temporary lined mud pits. Contamination is not expected to be encountered during HDD activities; however, due to the historic presence of polychlorinated biphenyl (PCBs) in the area, we are recommending that all subsurface materials recovered from the Hudson River HDD process be appropriately sampled for PCBs prior to disposal of the material (see recommended condition in section 5.2 of the EIS). If contamination is found it would be handled as outlined in the Unanticipated Contamination Encounter Procedures.

LA23 – Town of Cortlandt (cont'd)

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LA23-28 The DEIS also acknowledges the “relatively high potential for hydraulic fracture in the soft sediments of the Hudson River HDD alignment,” increasing the risk of drilling fluid discharges that could further contaminate the Hudson River sediment. (DEIS at 4-45.) In addition to describing steps that will be taken to avoid such fracturing, the DEIS must also analyze the potential impacts of a release of drilling fluid should such fracturing occur. (*Id.*)

LA23-29 Finally, the DEIS states that “[t]he Algonquin pipeline system is PCB regulated due to PCB concentrations greater than 50 ppm” – in some instances exceeding that regulatory threshold by a factor of 10. (*Id.* at 4-168.) The Proposed Action’s removal of these PCB-contaminated pipelines has the potential to result in discharges to the environment. While the DEIS sets forth Standard Operating Procedures to be employed for the “handling of PCB contaminated pipeline and materials,” it does not assess what risks would occur should those procedures fail to prevent the release of PCBs, or how the Applicant would respond to and contain an inadvertent release. **The Town of Cortlandt urges FERC to require an SDEIS analyzing the potential risks associated with the release or resuspension of PCBs and other hazardous substances, and to impose appropriate mitigation measures as a condition of any Project approval.**

Conclusion

LA23-30 For the foregoing reasons, as well as others raised in public hearings and third-party comments, the DEIS as currently drafted does not provide a legally sound foundation for the Proposed Action’s NEPA review. The Town of Cortlandt therefore requests that that FERC:

- (a) require the preparation of an SDEIS that addresses the deficiencies set forth above;
- (b) circulate the DEIS for at least 90 days of public comment;
- (c) take a “hard look” at the Proposed Action’s significant adverse impacts, reasonable alternatives, and practicable mitigation measures; and
- (d) impose appropriate mitigation measures, including but not limited to an alternate Hudson River crossing route.

LA23-28 Impacts related to the potential release of drilling fluid are discussed in section 4.3.2.6 of the EIS. These impacts include effects on fisheries or other aquatic organisms by causing turbidity in a waterbody and/or temporarily coating the waterbody bed with a layer of clay. Mitigation measures for these potential impacts are also listed in this section and are further discussed in appendix J.

LA23-29 PCBs are addressed in section 4.8.6.2 of the EIS. In the unlikely and unforeseeable event of an inadvertent release of PCBs to the environment, response and remediation would be conducted in accordance with all applicable federal and state regulations.

LA23-30 See the responses to comments FA4-1, FA6-5, and SA1-12.

LA23 – Town of Cortlandt (cont'd)

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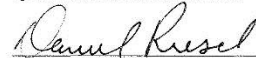
Yours very truly,

THOMAS F. WOOD
Town Attorney, Town of Cortlandt

- and -

SIVE, PAGET & RIESEL, P.C.
Special Counsel, Town of Cortlandt

By:


Daniel Riesel

LA23 – Town of Cortlandt (cont'd)

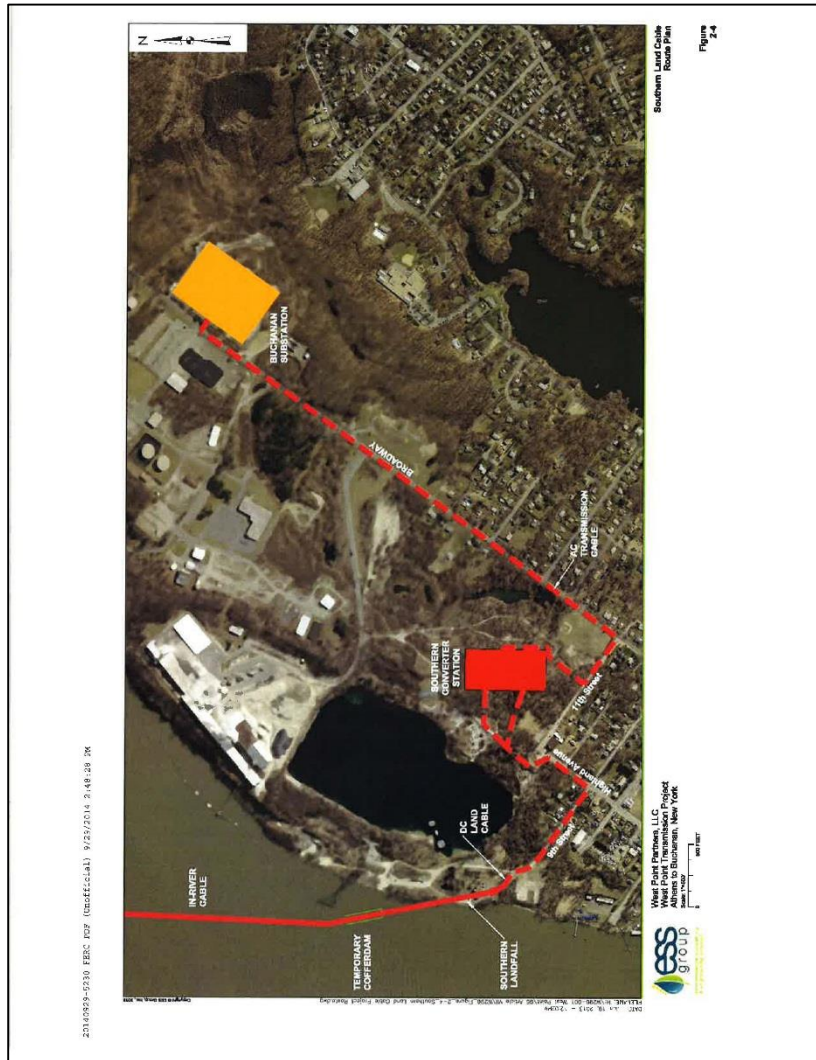
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Exhibit A

LA-86



LA23 – Town of Cortlandt (cont'd)




LA24 – Dedham Board of Selectmen

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James A. MacDonald, Chairman
Carmen E. Dellolacoco, Vice Chairman
Michael L. Butler
Dennis J. Guilfoyle
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September 26, 2014

Ms. Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington DC 20426

Re: Town of Dedham: Comments on Algonquin Incremental Market Project
Docket No. CP14-96-000

Dear Ms. Bose:

LA24-1 On behalf of the Town of Dedham, Massachusetts ("Dedham"), the Dedham Board of Selectmen hereby states its opposition to the Algonquin Incremental Market Project ("Project"). Dedham will be particularly affected by the construction of the West Roxbury Lateral, which will pass from south to north through densely developed commercial and residential areas of Dedham, as well as across a Town recreational area. Based on the description of the Project, the alternatives considered, and the assessment of impacts presented in the Draft Environmental Impact Statement ("DEIS"), Algonquin has not shown that the Project is either necessary or optimally designed to achieve its stated objective of increasing natural gas supplies to New England.

LA24-2 The DEIS does not address the need for the West Roxbury Lateral, which is intended to provide additional gas supplies to Boston Gas (a division of National Grid). The DEIS does not present information as to projections of demand in the area served by Boston Gas, or the quantity of gas that the Project will supply to Boston Gas. The DEIS seems to take as a "given" that Boston Gas's expressed interest in additional supplies justifies this portion of the Project.

LA24-3 Even assuming that Boston Gas has a need for additional gas supplies, the DEIS does not analyze all the available alternatives for providing that supply, or alternatives to locating a new metering and regulation ("M&R") station in West Roxbury, which is the predicate for the construction of the West Roxbury Lateral through Dedham. Why is the West Roxbury Lateral, coupled with the construction of a new West Roxbury M&R Station, the chosen alternative? Are there other potential locations in the Greater Boston area where a connection between the Algonquin transmission system and the Boston Gas system could be located? Why cannot

LA24-1 Comment noted.

LA24-2 With respect to the purpose and need for the Project, which is discussed in section 1.1 of the EIS, Algonquin included with its application to the FERC copies of precedent agreements with its shippers, including Boston Gas. This allowed us to verify that the proposed facilities are sited to meet the contracted volumes. In most cases, the shipper of the gas is not regulated by the FERC, as is the case with Boston Gas. Further, as identified in Algonquin's Resource Report 1 to its Application, the precedent agreement with Boston Gas was approved by the Massachusetts Department of Public Utilities in September 2013.

LA24-3 Section 3.4.3 of the EIS has been revised to include additional information on the reasons why Algonquin sited the West Roxbury Lateral and M&R station at the proposed locations. Section 3.5.1.3 of the EIS has been revised to address the MassDOT's policy.

LA24 – Dedham Board of Selectmen (cont'd)

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Federal Energy Regulatory Commission
September 26, 2014

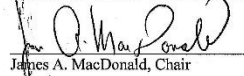
LA24-3
(cont'd) existing connections and M&R stations be used and/or upgraded to provide the additional supplies to Boston Gas? If a new M&R station is necessary, why has West Roxbury been chosen as the location for it?

Further, even if it a truly open-minded and objective alternatives analysis were to result in the selection of the West Roxbury M&R Station as the environmentally preferable means for Boston Gas to receive additional natural gas supplies from Algonquin, the DEIS does not fully examine alternative routes from Algonquin's existing or proposed transmission lines to the West Roxbury site. Why is the lateral routed northeasterly through Westwood and Dedham, rather than from another direction? What determines the starting point for the lateral?

Having concluded (without sufficient foundation) that the supply to Boston Gas must be provided by a lateral transmission line passing through Dedham, Algonquin and FERC fall short in evaluating the alternatives presented for a route through Dedham. A route that runs from Westwood within the Route 95/128 right-of-way, before running along the Providence Highway, would reduce impacts to residential areas and narrow streets in Dedham, but the DEIS rules out this alternative as being inconsistent with Massachusetts Department of Transportation policies for the use of such right-of-ways. The DEIS fails to explain why MassDOT policies should outweigh the safety and convenience of Dedham residents.

A more detailed explanation of Dedham's objections to the Project is being submitted separately on behalf of the Town by Kopelman and Paige, P.C., as Town Counsel.

Very truly yours,
DEDHAM BOARD OF SELECTMEN


James A. MacDonald, Chair


Carmen E. Dello Iacono, Vice-Chair


Michael L. Butler


Dennis J. Guffoy


Dr. Dennis J. Teehan, Jr.

LA25 – Rockland County Legislator Alden Wolfe

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The Legislature of Rockland County



ALDEN H. WOLFE
Chairman

September 29, 2014

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1
Washington, DC 20426

**RE: Draft Environmental Impact Statement (DEIS) for Algonquin Incremental Market
(AIM) Project: FERC Docket No. CP 14-96-00**

Dear Secretary Bose:

LA25-1 You have previously received a copy of Rockland County Resolution No.404 of 2014, which I cosponsored. The resolution calls for greater oversight to ensure the safety of all of those who live or work in the vicinity of the pipeline and its proposed expansion, and specifically that Spectra Energy fund a comprehensive, independent and transparent risk assessment of the "potentially catastrophic expansion of a 42" diameter high-pressure pipeline in close proximity to Indian Point Nuclear Facility and a significant seismic zone, to be completed in accordance with CFR Federal Law 50.59 and 10 CFR 100.20 regarding changes to the site." Please be aware that the County Legislature opposes construction of maintenance facilities near schools, parks, houses of worship, business and residential centers or any other population centers. I ask that Spectra Energy be required to follow New York State law by undergoing a full Environmental Impact Statement to comply with the State Environmental Quality Review Act.

LA25-2

LA25-3

Thank you for your consideration.

Yours truly,

Alden H. Wolfe

Rockland County Legislature - 11 New Hempstead Road - New City, New York 10956 - Tel: (845) 638-5100
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LA25-1 See the responses to comments FA4-25 and SA4-2.

LA25-2 See the responses to comments SA4-5 and LA5-14.

LA25-3 See the response to comment SA4-15.

LA26 – New York City Department of Environmental Protection

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Emily Lloyd
Commissioner

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September 29, 2014

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

Re: **Algonquin Gas Transmission, LLC**
Comments on Algonquin Incremental Market Project
Draft Environmental Impact Statement (EIS) FERC/EIS-0254D
Federal Energy Regulatory Commission Docket No. CP14-96-000
DEP Log#: 2013-CNC-0077-OT.1

Dear Ms. Bose:

The New York City Department of Environmental Protection (DEP) has reviewed Algonquin Gas Transmission's (Algonquin) Draft Environmental Impact Statement ("DEIS") submitted as part of the National Environmental Policy Act (NEPA) environmental review for the Algonquin Incremental Market (AIM) Project under FERC Docket No. CP14-96-000.

LA26-1 As you are aware, sections of the AIM Project are located in various municipalities and drainage basins in the East of Hudson portion of the New York City (NYC) Watershed, which provides high quality drinking water to almost half the population of New York State – over eight million consumers in New York City and nearly one million consumers in Westchester and Putnam Counties. Of particular note, as part of the AIM Project, Algonquin proposes to replace and enlarge a section of existing pipeline that crosses the Catskill Aqueduct (Aqueduct). The Catskill Aqueduct is critical infrastructure that is an essential component of the New York City water supply, and that qualifies as "critical infrastructure" pursuant to FERC regulation. See 18 C.F.R. Section 388.113. DEP requests that FERC treat any documents submitted to FERC regarding the Catskill Aqueduct crossing plan as critical energy infrastructure information that is confidential and protected from public release.

LA26-2 Upon review of the DEIS, DEP submits the following comments for the Commission's consideration:

1. DEP has met with Algonquin to discuss the proposed Aqueduct crossing, and will review Algonquin's crossing plan once it is submitted. The crossing plan must meet DEP's specified criteria, including, among other things, an appropriate factor of safety for pipe casing and an appropriate load capacity. DEP requests that FERC require Algonquin to submit a crossing plan that meets DEP's requirements *prior to* issuing a certificate for the AIM Project. To the

1

LA26-1 Section 4.3.2.1 of the EIS has been revised to indicate that the site-specific crossing plan for the Catskill Aqueduct would be filed as CEII.

LA26-2 Section 4.3.2.1 of the EIS has been revised to indicate that the final site-specific crossing plan for the Catskill Aqueduct, incorporating NYCDEP's requirements, should be filed prior to construction of the Stony Point to Yorktown Take-up and Relay segment.

LA26 – New York City Department of Environmental Protection (cont'd)

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LA26-2 (cont'd)	extent Algonquin has not submitted a crossing plan that meets DEP's requirements prior to obtaining a certificate, FERC should include as a condition to any certificate that may be granted a requirement that Algonquin obtain DEP's approval for a crossing plan at least 60 days prior to commencing construction pursuant to the certificate.
LA26-3	2. Pgs. 4-37 and 4-157 of the DEIS states "The 26-inch-diameter pipeline and associated casing pipe that crosses the aqueduct would be removed and the 42-inch-diameter pipeline would be installed...." DEP would prefer to have it removed as stated in the DEIS and the area restored. DEP will need to see a removal and restoration plan; the specifics of this plan should be incorporated into the Land Use Permit that will be required by DEP for this work.
LA26-4	3. Pgs. 4-37 and 4-157 of the DEIS states "This modification would place the new 42-inch-diameter pipeline at the edge of Algonquin's existing right-of-way and would require additional permanent easement and temporary construction workspace." The existing pipeline is present on City-owned land pursuant to a revocable Land Use Permit from DEP, not a permanent easement. The FEIS should clarify that Algonquin does not possess a permanent easement on City-owned land.
LA26-5	4. DEP has received a preliminary Stormwater Pollution Prevention Plan ("SWPPP") for the AIM project. Both the DEIS and the SWPPP approach erosion and sediment control in a general manner. The documents should; however, discuss erosion and sediment controls, stream crossings, dewatering and construction techniques that will be used and link the specific methods and erosion controls to specific locations. For instance, six dry crossings of unnamed tributaries to Hunter Brook are proposed in Yorktown. While the documents discuss how dry crossings are typically accomplished, they do not identify the specific locations. DEP recognizes that it is difficult to provide a high degree of specificity for a project of this length; however, in order to provide adequate protection of surface water within NYC's Watershed, it is highly recommended that the erosion and sediment control plan be amended to provide significantly more detail regarding standard elements such as dewatering operations, permanent interceptor dikes, appropriate stockpile locations, vegetative standards for permanent restoration, etc. It is also recommended that the preliminary SWPPP be included as an appendix supporting the DEIS.
LA26-6	5. The DEIS does not suggest limits of disturbance on the construction route. Linear projects with limited access often result in long sections of disturbance on steep slopes and within wetlands. Furthermore, the pipe installation and restoration may be completed by different crews which may result in a lag time between the operations and excessive periods of time during which a significant amount of soils are exposed to erosive conditions. As such, it is recommended that the DEIS include sufficient detail regarding how disturbance will be limited and/or controlled. The DEIS should also include a table indicating lengths of work between various access points so that the likely amount of disturbance associated with each area can be assessed in relation to receiving waterbodies.
LA26-7	6. The DEIS indicates that a 15-acre ware yard will be provided for the Algonquin's contractor within Yorktown. Other than the location and a general discussion of erosion and sediment control, no discussion of how these 15 acres of disturbance will be graded, stabilized and restored is provided. It is understood that the location of this ware yard may be modified. Specific environmental concerns associated with 15 acres of

2

LA26-3 Comment noted.

LA26-4 Section 4.8.5.1 of the EIS has been revised to clarify that the new 42-inch-diameter pipeline would be located at the edge of the area permitted by Algonquin's existing NYCDEP Land Use Permit.

LA26-5 See the response to comment SA14-1.

LA26-6 The length of open trench or exposed right-of-way would be based on site-specific conditions at the time of construction. Therefore, specific distances cannot be given at this time. However, Algonquin would be required to implement the measures in its Erosion and Sediment Control Plan (E&SCP), which incorporates measures from FERC's Upland Erosion Control, Revegetation, and Maintenance Plan (Plan) and Procedures, to ensure that erosion control measures are installed and properly maintained until the right-of-way is effectively restored. Inspections would be conducted of these measures to ensure their effectiveness. See also the response to comment SA14-14.

LA26-7 The EIS has been revised to reflect that Algonquin no longer proposes use of the pipe and contractor ware yard at the Granite Knolls West Park in the Town of Yorktown.

LA26 – New York City Department of Environmental Protection (cont'd)

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LA26-7 (conf'd)	disturbance and permanent hydrologic alterations must be addressed as part of a DEP-approved SWPPP. To the extent Algonquin seeks to disturb this acreage pursuant to a FERC certificate for the AIM Project, FERC must assess the potential environmental impacts of this disturbance in the FEIS. To the extent Algonquin may seek to disturb acreage for a ware yard outside the FERC certification process, the potential environmental impacts associated with this disturbance must be assessed in accordance with the New York State Environmental Quality Review Act and include soil types, steep slopes, receiving waters, permanent stormwater controls, etc.
LA26-8	7. The DEIS discusses areas of permanent and temporary conversion of land. It is recommended that additional consideration be given to restoration so that either type of conversion may be accomplished in as short a time as necessary. Specific time intervals and inspection criteria should be provided to ensure that adequate restoration is provided. Also, the SWPPP should be designed so that restoration to pre-development conditions or permanent vegetation is accomplished within a specified time limit.
LA26-9	8. It is important to note the SWPPP submitted to DEP by Algonquin indicates that the document will require significant revision prior to approval by DEP. These revisions are required to provide more detail regarding the sequence of work within NYC's Watershed, specific erosion and sediment controls associated with specific areas of disturbance, permanent restoration and post-development stormwater management measures such as green infrastructure. DEP requests that FERC require Algonquin to receive DEP SWPPP approval <i>prior to</i> issuing a certificate for the AIM Project. To the extent Algonquin has not received DEP approval for the SWPPP prior to obtaining a certificate, FERC should include as a condition to any certificate that may be granted a requirement that Algonquin obtain DEP's approval for the SWPPP at least 60 days prior to commencing construction pursuant to the certificate.
LA26-10	9. Section 4.3.2.5, Hydrostatic Test Water: The DEIS should discuss the size of the dewatering structure and associated disturbances to the uplands for their construction, operation, removal and site restoration.
LA26-11	10. Section 4.3.2.6, Trench Dewatering: the DEIS should state a minimum setback, approximately 100 feet, from watercourses established for the discharge of trench water.
LA26-12	11. Section 4.3.2.6, Dry Crossings: Use of the Dry Crossing Methods should be timed to avoid periods of peak fish passage and should be constructed so as not to impede fish and aquatic organism passage. Steps should be taken to ensure fish or other organisms unable to pass through are collected and released downstream/upstream of the crossing.
LA26-13	12. Section 4.3.2.6, Dry Crossings: the DEIS should state that Algonquin must restore the stream banks with native vegetation.
LA26-14	13. Section 4.3.2.6, Hydrostatic Test Water: The DEIS should discuss where the water for the test water will be taken and what steps will be taken to ensure adequate downstream flow for aquatic life.
LA26-15	14. Section 4.5.1.2, Above Ground Facilities: This section states that the construction and operation of the new proposed aboveground facilities may affect wetland communities. This contradicts the statement in Section 4.4.3.1 that no wetlands will be affected by the aboveground facilities. The DEIS should reconcile this discrepancy.
LA26-16	15. Section 4.5.2, Vegetation Communities of Special Concern or Value notes the potential occurrence of the federally (and NY state) endangered species, small whorled pogonia (<i>Isotria medeoloides</i>). The DEIS should state that the surveys will be performed at the

LA26-8	See the response to comment SA14-1.
LA26-9	See the response to comment SA14-1.
LA26-10	Details on the size on the potential dewatering structures are provided in Algonquin's Erosion and Sediment Control Plan (E&SCP). Workspaces needed to establish the structures are shown on the Project alignment sheets.
LA26-11	As noted in Algonquin's E&SCP, dewatering structures would be located in a well-vegetated and stabilized area, with an attempt to maintain at least a 50-foot vegetated buffer from wetlands and waterbodies. If an adequate buffer is not available, sediment barriers or other erosion control measures would be installed.
LA26-12	The Project would comply with the FERC Procedures, which states "unless expressly permitted or further restricted by the appropriate federal or state agency in writing on a site-specific basis, instream work, except that required to install or remove equipment bridges, must occur during the following time windows: coldwater fisheries - June 1 through September 30; and coolwater and warmwater fisheries - June 1 through November 30." In addition, during a dam-and-pump installation, screen pump intakes to minimize entrainment of fish would be used.
LA26-13	The Project would comply with the FERC Procedures, which states "revegetate disturbed riparian areas with native species of conservation grasses, legumes, and woody species similar in density to undisturbed lands."
LA26-14	Section 4.3.2.5 states that hydrostatic test water would be discharged into dewatering structures located in upland areas and within the construction work area in accordance with the E&SCP. Algonquin would comply with the hydrostatic best management practices (BMP) provided to them by the NYSDEC. As shown in table 4.3.2-4, the majority of water used for hydrostatic testing would come from municipal sources (with the exception of Old Verplanck Quarry Lake). Therefore, any potential issues with adequate downstream flow would be avoided.
LA26-15	Comment noted. Section 4.4.3.1 of the EIS has been updated.
LA26-16	Section 4.7.12 of the draft EIS states that Algonquin consulted with the FWS regarding potential habitat locations and identified six areas of concern in the Project area. Botanical surveys for small whorled pogonia were conducted between July 1 and July 3, 2014, which is a time when the plant is considered easily identifiable. No small whorled pogonia plants were observed during these surveys.

LA26 – New York City Department of Environmental Protection (cont'd)

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LA26-16
(conf'd)

correct time of year to observe plants, if present, and that it be carried out in such a way as to maximize observation of locations most likely to contain pogonia habitat.

LA26-17

16. Section 4.5.4.1. Pipeline Facilities (p. 4-75) notes that, where possible "...tree stumps and rootstock would be left in place...to facilitate natural re-vegetation." Not all tree species successfully re-vegetate in this way and, for those that do, success is dependent on a number of factors such as how close to the ground stumps are cut, whether they are cut off cleanly or broken in the process, etc. The DEIS should not assume that reforestation could occur based on leaving stumps in place. In addition, some tree species may be invasive and may be detrimental to re-establishment of native tree species. It is recommended to use native seed mixes to the extent practicable, particularly on areas where the pipeline crosses public lands and natural areas. If appropriate, native tree and shrub seed could be added to the mix—but would be most useful if the area is either fenced to keep deer out during germination and establishment or if species used are unpalatable to deer. In addition, it would be preferred to remove non-native tree stumps and rootstocks in these locations to offset losses of native forest cover.

LA26-18

17. Section 4.6.2.1, Pg. 4-90, last paragraph: Temperature ranges should be given to describe coldwater, coolwater and warmwater fisheries instead of the terms 'lower than average water temperature' to characterize a coldwater fishery and 'optimal temperature' for a coolwater fishery.

LA26-19

18. Section 4.6.2.3, Pg. 4-98, third paragraph: the documents states that the dry crossing methods could restrict fish passage. Steps should be taken to ensure fish passage is not restricted and the work should not be done during peak fish passage.

LA26-20

19. Section 4.6.2.3, Pg. 4-98-99: The DEIS should specify whether FERC will require Algonquin to follow the DEC recommendations outlined in this section.

LA26-21

20. Table 4.7.1-1 Federally Listed Species Potentially Occurring within the Vicinity of the AIM Project lists the endangered species small whorled pogonia (*Isotria medeoloides*) as potentially occurring in two segments within New York. In the "Determination" column, the determination appears to be "No Effect." Section 4.7.1.2. (p. 4-110) states that a survey was conducted in six areas of concern during July 1-3, 2014 but elsewhere in the document, it is stated that the applicant is currently working with the U.S. Fish and Wildlife Service to determine appropriate survey planning (section 4.5.2). These contradictory statements should be reconciled and the survey report added as an appendix to the DEIS.

Thank you for the opportunity to provide comments. You may reach me at cgarcia@dep.nyc.gov or (914) 773-4455 with any questions or if you care to discuss the matter further.

Sincerely,

Cynthia Garcia

Cynthia Garcia
SEQRA Coordination Section

X: D. Sipe, FERC
W. O'Brien, NYC Mayor's Office

LA26-17 Comment noted. Section 4.5.4.1 of the EIS provides additional information regarding revegetation, invasive species control, and post-construction monitoring. Additional methods of revegetation would include seeding to allow revegetation to preconstruction cover types. In summary, Algonquin would implement the measures in its E&SCP and Invasive Plant Species Control Plan to minimize impacts on vegetation within the construction and permanent rights-of-way to improve revegetation success.

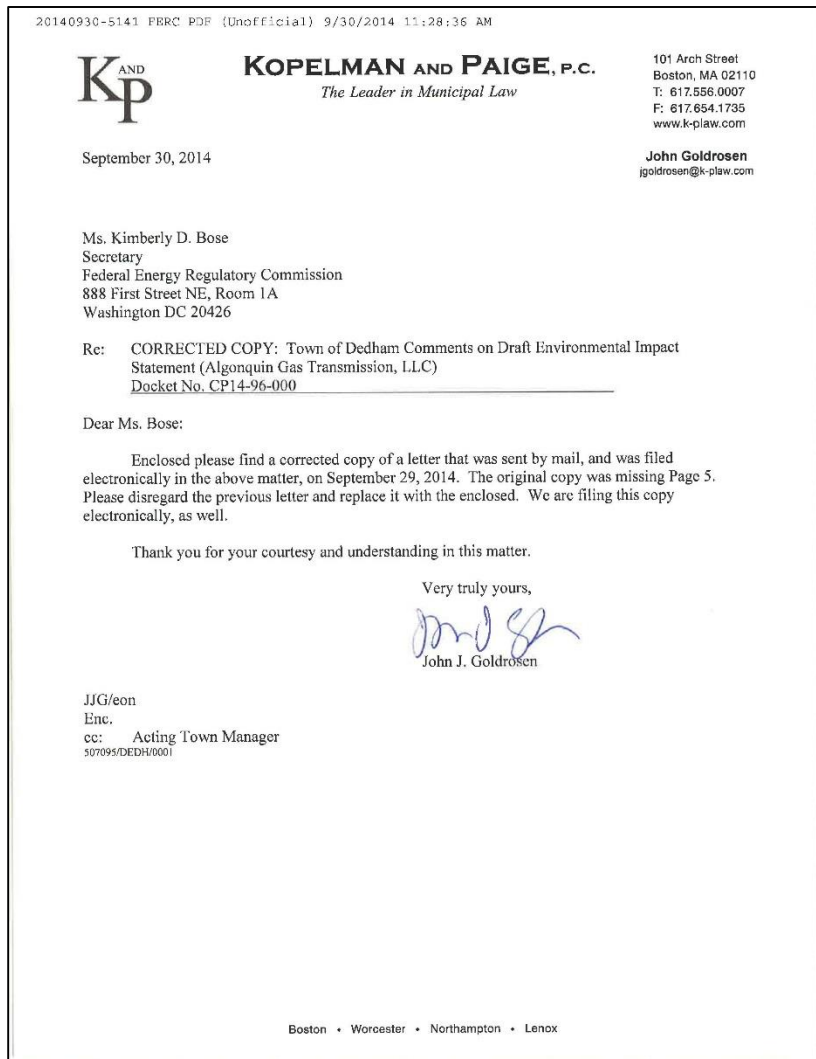
LA26-18 The coldwater, coolwater, and warmwater fisheries terms referenced in section 4.6.2.1 of the EIS are general fisheries classifications described in the FERC's Procedures and do not have specific defined temperature ranges. FERC defers to the state water quality or fisheries departments for state-specific fisheries classifications, which are discussed in section 4.6.2.1 of the EIS.

LA26-19 Comment noted.

LA26-20 Comment noted.


LA26-21 Sections 4.5.2 and 4.7.1 of the EIS have been revised for consistency. Surveys for the small whorled pogonia were conducted in six areas of concern during July 1 to 3, 2014 and that the results of these surveys have been submitted to the FWS and NYSDEC documenting that no small whorled pogonia plants were observed. Survey reports for all federally listed and state-listed species were sent to the appropriate federal and state agencies for review and are not included as an appendix in the EIS due to the sensitive nature of protected species occurrence information.

LA27 – Town of Dedham, Town Counsel, John Goldrosen



**LA27 – Town of Dedham, Town Counsel, John Goldrosen
(cont'd)**

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September 29, 2014

John Goldrosen
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Ms. Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington DC 20426

Re: Town of Dedham Comments on Draft Environmental Impact Statement
(Algonquin Gas Transmission, LLC)
Docket No. CP14-96-000

Dear Ms. Bose:

The Town of Dedham, Massachusetts ("Town" or "Dedham") hereby submits the following comments on the Draft Environmental Impact Statement ("DEIS") for the Algonquin Incremental Market Project ("Project"). Dedham is particularly and directly affected by the West Roxbury Lateral ("Lateral"), which will be constructed through the Town. The Town Board of Selectmen is submitting a separate letter to state its opposition to the Project. This letter is intended to provide more detailed comments on issues that are either addressed insufficiently in the DEIS, or on which the Town disagrees with conclusions stated in the DEIS.

The Lateral will be constructed along a south to north route through the Town, from an existing Algonquin facility in Westwood to a new metering and regulation station in West Roxbury ("M&R Station"). About 2.9 miles of the Lateral will be located within the Town, nearly all of which will be located within densely developed residential and commercial areas. (DEIS, pp. 2-13, 19). The Lateral will also pass through Gonzalez Field, a Town-owned park that is used for recreational purposes.

LA27-1 As discussed below, the DEIS does not take a sufficiently broad view of the available alternatives to meet the stated objective of the Lateral, which is to provide additional gas supplies to Boston Gas (a division of National Grid). Instead, the DEIS assumes that, to meet that objective, the M&R Station must be built in West Roxbury, and the Lateral must pass through Dedham to reach the M&R Station. Further, even under an assumption that the Lateral is necessary to serve the Project purpose, the DEIS does not adequately evaluate alternative routes through Dedham that would reduce impacts on residential areas and avoid Gonzalez Field. Finally, assuming that the

LA27-2 Project were to be constructed in its proposed location through the Town, we offer comments on additional measures that should be considered to reduce or mitigate impacts from the construction and operation of the Project, including construction scheduling, noise, traffic, public roadways and property, and safety.

Boston • Worcester • Northampton • Lenox

- LA27-1 Section 3.4.3 of the EIS has been revised to include additional information on the location of the West Roxbury Lateral and associated M&R station. Route variations and alternatives considered along the West Roxbury Lateral are described in sections 3.5.1.3 and 3.5.2.2. Additional modifications evaluated are described in section 3.5.3. M&R station alternatives are discussed in section 3.6.2.3.
- LA27-2 Comment noted.

**LA27 – Town of Dedham, Town Counsel, John Goldrosen
(cont'd)**

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KOPELMAN AND PAIGE, P.C.

Ms. Kimberly D. Bose
Secretary
September 29, 2014
Page 2

I. Alternatives to Routing the Lateral Through Dedham and West Roxbury

LA27-3 The stated objective of the Project, as a whole, is to increase overall natural gas supplies to New England, while the particular objective of the Lateral is to provide increased supplies to Boston Gas. According to the DEIS, the latter objective is to be met by locating the new M&R Station in West Roxbury. Even assuming that Boston Gas has a need for additional supplies, the DEIS fails to explain adequately why the additional connection to the Boston Gas system is to be located in West Roxbury, and the DEIS does not explore alternatives to such a connection.¹ Since there are existing Algonquin gas transmission lines that supply Boston Gas, the DEIS should identify and evaluate options to increase supplies using existing routes and existing M&R stations (such as the Ponkapoag M&R station), by modifying or increasing the capacity of those facilities.

Further, if there are technical reasons why a new M&R station is necessary to provide the requested supplies to Boston Gas, the DEIS does not explain the basis for the selection of a site in West Roxbury, rather than in another location within the large region served by Boston Gas. Finally, even if one were to accept the assumption that the selected location for the M&R Station is the most feasible alternative, the DEIS does not examine alternatives to the Westwood/Dedham/West Roxbury route that could be used to reach the West Roxbury site for the M&R Station, using other principal south-to-north roads (e.g., Routes 138 or 28) or west-to-east roads (e.g., Route 9).

In short, based on the narrow focus of the DEIS, it appears that the selection of the West Roxbury M&R Station location was taken as a "given," as was the assumption that the new M&R Station was to be supplied through a connection to the existing Westwood facility. If the beginning and endpoints of the Lateral are accepted without examination, the most direct route is, indeed, through Dedham. The Town objects to this predetermination of the Lateral's route, and requests that the DEIS be revised to expand the geographical scope of the alternatives analysis.

II. Alternatives Within Dedham for the Selected Westwood/Dedham/West Roxbury Route for the Lateral

LA27-4 The DEIS examines two alternatives to the Lateral route that Algonquin has selected, involving modifications of the route at its southern and northern ends. Although the southern

¹ The DEIS states: "According to Algonquin, Boston Gas has requested a new delivery point in the West Roxbury section of the City of Boston to enhance and reinforce the existing Boston Gas delivery system and support long-term growth in the area." (DEIS, p. 3-15). This suggests that the location of the West Roxbury M&R Station, and the consequent location of the Lateral, has been determined by Boston Gas, not by the evaluation of alternatives.

LA27-3 See the response to comment LA24-3.

LA27-4 See the responses to comments LA24-3 and LA27-1.

**LA27 – Town of Dedham, Town Counsel, John Goldrosen
(cont'd)**

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KOPELMAN AND PAIGE, P.C.

Ms. Kimberly D. Bose
Secretary
September 29, 2014
Page 3

LA27-4
(cont'd)

alternative, identified in the DEIS as the "West Roxbury Lateral South End Alternative Route" ("South End Alternative"), would reduce impacts on residential areas within Dedham, the DEIS concludes that the South End Alternative "would not be preferable to or provide an environmental advantage over the proposed route." (DEIS, p.3-26). The Town disagrees with this conclusion, which gives insufficient weight to the interests of Dedham residents.

The South End Alternative would follow a route along the north side of Interstate 95 and the northbound off-ramp from I-95 to the Boston-Providence Turnpike ("Highway"), and connect with the Highway at about Mile 1.2 of the Lateral.² This would replace a portion of the selected Lateral Route that passes through residential and commercial areas on Rustcraft Road and Elm Street, east and southeast of the Highway. As summarized in Table 3.5.3-1 (p. 3-24), the South End Alternative would involve much less construction within a roadway (0.1 compared to 0.6 miles), affect half as many residences within 100 feet of the transmission line (12 versus 24), and involve fewer road crossings (3 versus 5). Nonetheless, the DEIS favors the selected Lateral route, primarily, it appears, for the reason that:

"...installation of the [Lateral] adjacent to Interstate 95 would be inconsistent with MassHighway's "Policy on the Accommodation of Utilities Longitudinally, Along Controlled-Access Highways," which precludes the placement of utility infrastructure parallel to the interstate highway system absent extenuating circumstances."

(DEIS, p. 3-24).³ Thus, the DEIS allows a general policy of the Massachusetts Highway Department ("MassHighway") to outweigh the interest of Dedham residents and businesses in avoiding the adverse impacts of the construction and operation of the pipeline. The Town does not concede that MassHighway should have veto power over an alternative route, when municipalities do not have that degree of control over the Project. Further, the DEIS does not indicate whether any formal request has been made to MassHighway to accept the South End Alternative. Perhaps, if asked, MassHighway would determine that the reduction in impacts on local residents and businesses would be "extenuating circumstances" that would justify waiving its policy for this Project.

Evaluating the South End Alternative by the stated criteria for the examination of alternatives in the DEIS (see p. 3-1), the South End Alternative: (i) meets the objectives of the Project as well

² Section 3.5.3, third line, on p. 3-24, states that the direction of the South End Alternative would be from the north side of I-95 "to the east/northeast for about 0.5 mile...." The direction is actually to the west/northwest.

³ The DEIS does list some other disadvantages of the South End Alternative, but none of those appear to be insurmountable or incapable of mitigation.

**LA27 – Town of Dedham, Town Counsel, John Goldrosen
(cont'd)**

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KOPELMAN AND PAIGE, P.C.	
Ms. Kimberly D. Bose Secretary September 29, 2014 Page 4	
LA27-4 (cont'd)	<p>as the selected route; (ii) is "technically and economically feasible and practical"; and (iii) offers "significant environmental advantage" over the selected route. The Town requests that the South End Alternative be fully and objectively evaluated.</p> <p>III. <u>Mitigating Impacts of the Selected Route</u></p> <p>Assuming that the Lateral is to be built on the proposed route through Dedham, the Town has several comments on the assessment of environmental impacts and potential mitigation measures.</p> <p>A. <u>Traffic</u></p> <p>LA27-5</p> <p>As noted in the DEIS, the Project has the potential for serious disruption of traffic along the selected route, particularly along the Highway and at the intersection of High and East Streets. The DEIS is not as specific as it could be, as to which portions of the Project would be constructed during overnight hours (midnight to 8 AM), as compared with daytime construction. As noted in Table 4.9.5-1 (p. 4-183), traffic volumes are high throughout the daytime hours on weekdays, and on Saturdays as well.</p> <p>While measures have been implemented to mitigate impacts at the intersections of the Highway and the entrances to Legacy Place, the intersection of High and East Streets has not been adequately addressed. The DEIS acknowledges that there would be "unavoidable significant adverse impacts, particularly at the High Street intersection with East Street and Harris Street." (P. 4-187). The DEIS states that work at this intersection would be undertaken during "off-peak daytime hours," and that "it will not be possible to maintain continuous two-way travel during most construction." (P. 4-186, App. G-49). The Town questions whether this is a realistic approach, given the volume of traffic throughout the day at that intersection. Table 4, at App. G-52, indicates that the Level of Service at High Street would be reduced from B to F during construction, at either morning, midday, or evening hours. This may be a location at which overnight work should be considered, after further consultation with the Town. The decision as to the hours of construction should rest ultimately with the Town, and not with Algonquin.</p> <p>B. <u>Noise</u></p> <p>LA27-6</p> <p>Noise is a particular concern for Town residents along the proposed route. The Town notes that there is a residential area in the Prospect/Willow/Spruce Street neighborhood on the northwest side of the Highway, between the Dedham Plaza and the Eastern Avenue intersection with the Highway. The choice of nighttime construction along this portion of the Highway for purposes of traffic control, must be balanced against the additional impacts on residents caused by construction during sleeping hours. As noted above, closer consideration of the South End</p>

LA27-5

Section 4.9.5.2 and appendix G of the EIS have been updated to include additional information on potential traffic-related impacts and measures to be implemented to prevent unnecessary delays to the motoring public during construction of the West Roxbury Lateral. See also the response to comment SA13-4.

LA27-6

Section 4.11.2.3 of the EIS has been revised to address noise associated with nighttime construction along the West Roxbury Lateral.

**LA27 – Town of Dedham, Town Counsel, John Goldrosen
(cont'd)**

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KOPELMAN AND PAIGE, P.C.

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Secretary
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Alternative might result in eliminating construction impacts on residents of Rustcraft Road and Elm Streets.

C. Repaving of Town Streets

LA27-7 The Town seeks assurances that repaving of Town roadways will be "from curb to curb," and not limited to the width of actual construction. The DEIS is not specific as to Algonquin's commitment to this Town policy, stating only that the policy has been "reviewed" and that repaving would be "in accordance with applicable state and municipal requirements." (P. 2-28, App. G-44). The Town wishes to be sure that its "curb-to-curb" policy will be observed, even if state law might, arguably, require only that pre-existing conditions be restored.

D. Gonzalez Field

LA27-8 The proposed route would cross Gonzalez Field, a Town-owned park and recreation area. Algonquin has discussed with the Town Parks and Recreation Commission whether there are alternative routes across Gonzalez Field that would reduce impacts on playing surfaces. There have also been discussions about timing construction so as to limit construction to the seasons of the year when the Field is not in use by sports teams. The Town wishes to clarify that these discussions have not resulted in any firm commitment by Algonquin or a final agreement. Further, based on the DEIS, the Project route has been altered by a "minor route variation" that would increase impacts on a soccer field, with the "advantage" of avoiding impacts with future expansions of the Harris Street bridge and the Highway by the Massachusetts Department of Transportation. (P. 3-27). As with the evaluation of the South End Alternative (see above), the interests of state agencies are being favored over those of the Town and its residents.

The DEIS requires Algonquin to file a "site-specific construction plan" for Gonzalez Field, prior to the end of the DEIS comment period, including the timing of construction and measures to be implemented to minimize conflicts with the use of the Field. (Pp. 4-163-4, 5-22-3). If such a plan has been or is to be filed, it should be clear that it has not yet been approved by the Parks and Recreation Commission on behalf of the Town. Nonetheless, the Commission is prepared to work cooperatively with Algonquin to develop and implement such a construction plan, if the final route crosses Gonzalez Field.

E. Timing of Construction

LA27-9 The DEIS notes that, to speed construction, two or three crews may be working on the Project in Dedham at a given time. There may be an advantage to the Town in having the Project completed as quickly as possible, to minimize the duration of disruption, but that must be balanced against the potential for an increased degree of disruption (particularly with respect to

LA27-7 Sections 2.3.1.2 and 4.9.5.2 of the EIS have been revised to reflect Algonquin's commitment to repave the town's roadways impacted by the pipeline construction from curb-to-curb.

LA27-8 Section 4.8.5.3 of the EIS has been updated to reflect the current proposed route alignment at Gonzalez Field. The modified route would be located closer to the outer edge of Gonzalez Field and would reduce the land area temporarily affected during construction and permanently affected during operation. Algonquin has committed to construct this segment of the pipeline after the conclusion of the Town of Dedham's soccer program in order to minimize impacts on recreational use of the field during construction. An updated evaluation of the pipeline alternative route across Gonzalez Field is included in section 3.5.2.2 of the EIS.

LA27-9 Section 4.9.5.2 of the EIS has been revised to include a recommendation that Algonquin develop a detailed construction schedule for the West Roxbury Lateral and share it with the town.

**LA27 – Town of Dedham, Town Counsel, John Goldrosen
(cont'd)**

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KOPELMAN AND PAIGE, P.C.

Ms. Kimberly D. Bose
Secretary
September 29, 2014
Page 6

LA27-9 (cont'd) traffic), if the scheduling of the work is not carefully coordinated. It is difficult to strike this balance, without knowing how quickly work would be completed within a particular section, and in what order. Algonquin should be required to develop a complete construction schedule, and to review it with the Town and state officials both before construction commences and on a continuing basis, to monitor the amount and degree of impacts.

F. Public Safety

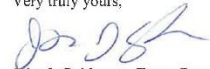
LA27-10 As the DEIS recognizes, the construction and operation of a high-pressure natural gas transmission line raises significant public safety concerns. The route within Dedham, for the most part, passes through heavily populated and developed commercial and residential areas, which are classified as "High Consequence Areas" for purposes of federal natural gas pipeline safety standards. (Pp. 4-255-259). The DEIS discusses procedures for "risk assessment," and for "integrity assessments" based on the level of risk. It is also stated that older pipelines are more likely to present problems from corrosion and material failure. (PP. 4-260-3). This suggests that the Project would be less likely to be inspected post-construction than existing facilities, perhaps for many years, because the Project would be deemed comparatively unlikely to pose a risk of failure. In response to the concerns about public safety, and in recognition of the intense development along the Lateral route, the Town requests that a condition be imposed that an integrity assessment be made within a shorter period of time after construction (e.g., 1-2 years), to ensure against any defects in materials or construction that might become evident within a relatively short time frame.

Conclusion

LA27-11 It is the Town's position that the DEIS does not examine the premises for the construction of the Lateral through Dedham, nor does it adequately assess alternatives to the selected route. The Project should not go forward until the DEIS is revised accordingly, and a further comment period is provided on the revised DEIS.

LA27-12 Nonetheless, if the Project moves forward, the Town requests that additional conditions and mitigation requirements be imposed, and that Algonquin be directed to work closely with Town and state officials to minimize Project impacts.

Very truly yours,



John J. Goldrosen, Town Counsel
On behalf of the Town of Dedham

JJG/eon
cc: Acting Town Manager
506951/DE/DH/0001

LA27-10 In accordance with PHMSA's safety regulations, as part of the construction process, the pipeline would be hydrostatically tested to ensure the pipeline is safe to sustain the operating pressure of the pipeline. PHMSA's Office of Pipeline Safety performs inspections of interstate natural gas pipeline facilities in Massachusetts and PHMSA's regulations establish the requirements of an integrity assessment. As identified in section 4.12.1 of the EIS, PHMSA's integrity management rules for HCAs require an inspection of the pipeline every 7 years. This requirement is not based on pipeline age.


LA27-11 See the responses to comments FA4-1 and FA6-5.

LA27-12 Sections 4.8 and 4.9 of the EIS have been revised to include additional information on mitigation measures related to land use and traffic associated with the Project. In addition, several route variations were incorporated into the proposed route to minimize impacts along with West Roxbury Lateral as described in section 3.5 of the EIS.

LA28 – Boston Mayor, Martin J. Walsh

20141007-0068 FERC PDF (Unofficial) 10/06/2014

CP14-96


CITY OF BOSTON • MASSACHUSETTS
OFFICE OF THE MAYOR
MARTIN J. WALSH

September 26, 2014

Ms. Cheryl A. LaFluer, Chairman
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: Algonquin Gas Transmission, LLC
FERC Docket No. CP14-96

Dear Commissioner LaFluer:

LA28-1 I am writing in regard to the Algonquin Incremental Market Project proposed by Algonquin Transmission, LLC (Algonquin). As Mayor of the City of Boston, I am deeply concerned about the impact that this proposed project may have on West Roxbury.

At the recent public hearing held in Dedham, Massachusetts, the community raised many issues that merit consideration by your agency. I share the concerns of the community and of other public officials about the impact that the proposed compressor pump station will have on the area. This station would be sited near an active quarry in West Roxbury. The dangers of natural gas are amplified by the proximity to a quarry where blasting occurs. The quarry abuts a densely populated area which in addition to residential neighborhoods includes the Deutsches Altenheim assisted care and nursing facility and Roxbury Latin School.

LA28-2 I recognize that Algonquin has been available to answer questions and discuss concerns, and has worked to mitigate certain impacts of the construction along the route. Of particular note are the changes Algonquin has made to its plan in order to mitigate some concerns surrounding the displacement of Saint Theresa's church and school in West Roxbury. It is of the utmost importance that FERC use this opportunity to ensure that Algonquin continues to thoroughly review all possible routes, and that the final decision provides the greatest degree of environmental protection and public safety.

LA28-3 The City's Office of Neighborhood Services has continued to receive inquiries and hear concerns from residents of West Roxbury. Due to the large number of inquiries and the critical nature of this project, I respectfully request that the comment period set to end September 29, 2014, be extended. An extension of the comment period will allow residents to further inquire about the project and submit informed comments to the official docket.

2014-00218

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LA28-1 See the responses to comments FA6-1 and FA6-2.

LA28-2 Comment noted.

LA28-3 See the response to comment FA6-5.

LA28 – Boston Mayor, Martin J. Walsh (cont'd)

20141007-0068 FERC PDF (Unofficial) 10/06/2014

LA28-4 I hope that as we continue to work together to achieve energy independence we can also work to ensure that the concerns of residential neighborhoods are heard and addressed. Please be assured that my Administration is ready to work with you in this regard.

Thank you for your consideration on this important and time sensitive matter. If I may be of further assistance on this matter, please do not hesitate to contact me.

Sincerely,




Martin J. Walsh
Mayor
City of Boston

LA28-4 Comment noted.

LA29 – Westchester County Legislative Counsel Christopher Crane

20140930-5041 FERC EDF (Unofficial) 9/29/2014 5:09:19 PM

WESTCHESTER COUNTY **BOARD OF LEGISLATORS**
Voice of the People of Westchester County for over 300 years



Via FERC E-Filing

September 29, 2014

Hon. Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, D.C. 20426

Subject: Comments, Draft Environmental Impact Statement; Algonquin Incremental Market Project; FERC Docket No. CP-14-96-000

Dear Secretary Bose:

Please accept for electronic filing ("e-filing") the below comments on the Draft Environmental Impact Statement for the Spectra Algonquin Incremental Market Project ("AIM Project") proposed by Algonquin Gas Transmission, LLC in FERC Docket No. CP-14-96-000:

LA29-1 Provide additional detail on the preconstruction surveys of homes and businesses to be conducted by Algonquin concerning rock removal and blasting.¹ The surveys should include evaluation of landowner's underground facilities, including septic systems.

LA29-2 To increase adherence to project plans and mitigation measures, suggest making the Environmental Inspectors (EIs) also responsible to FERC, rather than only to Algonquin.² The use of a Third-Party Compliance Monitor is appreciated. This Monitor should be funded through a dedicated fund, with funding allocation not subject to the sole authority of Algonquin.

LA29-3 In Section 3.2.2., Renewable Energy, the comparison of the project capacity (342,000 Dekatherms/day) with potential wind energy sources is not accurate because only part of the 342,000 Dkth/day will be for electricity generation.³ A substantial portion will be for residential heating. Thus it is inaccurate to state that an alternative must consider the entire incremental increase of 342,000 Dkth/day.

LA29-4 The filing of complaints by Algonquin would not occur until after AIM Project facilities are placed in service. This could be a substantial amount of time after impacts to a water supply well might occur. Recommend this filing be revised to a quarterly basis during the construction period and continuing after facilities are placed in service.⁴

800 Michaelian Office Bldg., 148 Martine Avenue, White Plains, N.Y. 10601 • www.westchesterlegislators.com • 914.995.2800 (main voice)

LA29-1 Algonquin's Rock Removal Plan (see appendix E of EIS) states that pre-blast surveys would assess the condition of structures, wells, springs, and utilities within 150 feet of the proposed construction right-of-way. It goes on to state that determination of the existence and location of site specific structures (including septic systems) would be part of the survey.

LA29-2 Consistent with FERC guidelines, Algonquin would have its own Environmental Inspectors (EI) during construction of the Project. In addition to those EIs, FERC would oversee Third-party Compliance Monitors who would provide daily reports to the FERC staff on compliance issues in New York. Additional details on the environmental inspection program is provided in section 2.5 of the EIS. See also the response to comment SA4-16.

LA29-3 The Project has commitments from customers for an additional 342,000 Dth/d of natural gas. In order to meet the objectives of the Project, any alternative or combination of alternatives would need to be able to provide an equivalent amount of energy. The fact that some of the natural gas delivered by the Project could be used for heat versus electric generation does not alter this. It is impossible to say exactly what would happen if the Project is not constructed, but the demands of the Project's customers, including the need by some for natural gas to heat homes, would either need to be met by some other means (other energy sources or conservation), which would not eliminate their demand but rather defer it until some other means or combination of means to satisfy it could be found. We have not identified any alternative or combination of alternatives that would meet the objectives of the Project as described in section 3.0 of the EIS.

LA29-4 In addition to the recommendation regarding water supply wells, Algonquin has developed an overall Environmental Complaint Resolution Procedure Plan that identifies steps Algonquin would take to address landowner calls received during construction. The plan also identifies the FERC's Dispute Resolution Service Helpline contact information (see section 4.8.3.1 of the EIS).

LA29 – Westchester County Legislative Counsel Christopher Crane (cont'd)

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Sep't. 29, 2014
Page 2
DEIS Comments, AIM Project

- LA29-5 | The Spectra Atlantic Bridge project should be included as a proposed system alternative.⁵
- LA29-6 | New York Public Service Commission has issued an Order that sets a ceiling on the allowable operating pressure of the Algonquin pipeline to 650 psig.⁶ See attached Order. As such, clarify whether or not NY Public Service Commission has jurisdiction in the approval of the AIM Project. Even if not jurisdictional, the design, construction, operation and maintenance of the AIM Project should be consistent with NY Public Service Commission orders, regulations and guidelines.
- LA29-7 | The DEIS references applicable state regulations concerning the design, construction, operation and maintenance of the AIM Project pipeline and aboveground facilities.⁷ The DEIS does not identify New York State regulations concerning the transmission and distribution of gas and the design, construction, operation, and maintenance of pipelines.⁸ All applicable state regulations and agency jurisdiction should be identified in the DEIS.
- LA29-8 | The DEIS lists several local/state emergency management departments but the DEIS does not reference Local Emergency Planning Committees (LEPCs). INGAA's 2014 report recommends that operating companies actively participate in LEPCs to enhance emergency communication.⁹ LEPCs, where they exist, should be notified and involved in the AIM Project.

Thank you for considering these comments. Please do not hesitate to contact me at (914) 995-2104 if I can be of assistance.

Very truly yours,

Christopher M. Crane

Christopher M. Crane
Legislative Counsel

Attachment

¹ DEIS Section 2.3.1.1 at 2-23.

² DEIS Section 2.5 at 2-37 to 2-41.

³ DEIS Section 3.5 at 3-5.

⁴ DEIS Section 4.3.1.7 at 4-34.

⁵ DEIS Section 3.3.2 at 3-10.

⁶ New York Public Service Commission Order Case 15686, Proceeding on Motion of the Commission as to the apparatus and property and the method employed by gas corporations, gas and electric corporations and municipalities supplying gas in the transmission, distribution and sale of gas (Aug. 18, 1953).

⁷ E.g., DEIS at ES-8.

⁸ 16 NYCRR Part 255.

⁹ See <http://www.ingaa.org/File.aspx?id=22117> [p. 17, 18].

LA29-5 See the response to comment FA3-5.

LA29-6 The NYPSC does not have jurisdiction for the siting and construction of interstate natural gas pipelines. The NGA gives FERC that exclusive authority. In addition, under the Pipeline Safety Act, the DOT has exclusive authority to establish national standards for the safe construction, operation, and maintenance of, interstate natural gas pipelines and their appurtenant facilities. The order limiting Algonquin's pipeline to 650 psig is from the early 1950s and applied to the existing 26-inch-diameter pipeline. The law is now clear that the NYPSC does not have jurisdiction over these types of facilities.

LA29-7 Table 1.3-1 in the EIS identifies the major federal, state, and local permits, approvals, and consultations for construction and operation of the Project. See also the responses to comments SA4-15 and LA29-6.

LA29-8 The local emergency planning committees have been added to the mailing list.

LA30 – Cortlandt Councilwoman Debra Carter Costello

ALBANY PUBLIC SERVICE COMMISSION

C O P Y

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on August 18, 1953

COMMISSIONERS PRESENT:

Benjamin F. Fainberg, Chairman
Spencer B. Eddy
Freddie T. Hylott
Paul A. Lockwood

CASE 15486 - Proceeding on motion of the Commission as to the apparatus and
property and the method employed by gas corporations, gas and electric corpora-
tions and municipalities supplying gas in the transmission, distribution and
sale of gas.

- - - O - - -

This Commission having on November 7, 1952, as amended on April 14,
1953, prescribed, among other things, rules and regulations applicable to gas
corporations transporting gas within the State of New York, and the Algonquin
Gas Transmission Company, in accordance with said rules, having filed a report
describing said pipeline, and the Commission having determined that operation of
said transmission line at pressure in excess of 650 psig is improper and having
further determined that said transmission line may be operated safely and properly
at pressures not in excess of 650 psig, it is

ORDERED that the gas transmission line operated by Algonquin Gas
Transmission Company from New York-New Jersey State Line across the Counties of
Rockland, Westchester and Putnam to the New York-Connecticut State Line shall
not be subject to pressure in excess of 650 psig.

By the Commission,
ALTON G. MARSHALL
Secretary

(S E A L)

LA30 – Cortlandt Councilwoman Debra Carter Costello (cont'd)

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Debra Carter Costello, Verplanck, NY.

LA30-1 The proposed gas pipeline expansion takes an indisputably dangerous route through high-density residential areas. It would endanger the safety of our residents, not just in the Town of Cortlandt, but throughout the Northeast corridor, it would sit right next to the Indian Point Nuclear Power Plant, which is also near the intersection of proposed megawatt electric lines. This area is already overburdened with the cloud of more than 40 years of spent fuel rods, not to mention that it sits upon, and

LA30-2 the pipeline would sit upon, the Ramapo Fault, an active geological time bomb.

LA30-3 Further, the potential for an explosion in the gas line adds yet another time bomb to this already fragile and over compromised area. This is simply unconscionable! And, the issue of increased radon levels from the

LA30-4 increased gas volume that would travel through our communities cannot be overstated.

LA30-5 The extended gas pipeline would potentially contaminate our natural resources ... Our water, the very air we breathe and the very earth we walk upon. Not to mention a further strike against our property values,

LA30-6 which folks were hoping might finally rebound and begin to recover since the housing market collapse.

LA30-7 If you approve this expansion, once again, profits win over people and, once again, corporate expansion prevails in the face of ecological sensibilities. I ask that FERC consider viewing this expanded gas pipeline as the potential weapon that it is ... an armed weapon that would lie right beneath our homes, yards, schools, and playgrounds. I appeal to your sense of humanity and to your intellect. Please ... do not place our citizens unnecessarily in harm's way. Please, say no to the Algonquin Gas Pipeline.

LA30-8 As I'm sure you know many Americans don't trust the fed govt. Many think that the federal government will do whatever they want and won't listen to the average citizen - us. Many people think this is already a done deal. Many people think the fed govt. has their mind made up and is having these hearings as a formality- further degrading their trust. Many people don't trust the fed government; they think they will choose profits over people. Many Americans think the government will side with special interest groups, (like spectra energy), over the people, I'm asking you to RESTORE Our faith... Listen to what we are saying, and do what's right. It's WRONG to have a pipeline within feet from an elementary school, it's wrong to put a pipeline next to a nuclear power plant, it's wrong to put a pipeline in a community that is already burdened with a gypsum plant, a garbage burning plant, and a nuclear power plant, it's wrong to put a pipeline feet from the storage of spent fuel rods. It's wrong to put this gas line along the Ramapo Fault line - the consequences of an explosion are.. Unimaginable. IT'S WRONG TO TAKE THAT CHANCE ~It's wrong to destroy our community. YOU have the power and ability to DO What's Right, but will you?

LA30-1 See the responses to comments FA4-25 and SA7-4.

LA30-2 See the response to comment SA4-2.

LA30-3 See the response to comment SA4-5.

LA30-4 See the response to comment SA4-4.

LA30-5 Potential impacts and mitigation to groundwater, surface water, and air quality are discussed in sections 4.3.1.7, 4.3.2.6, and 4.11.1.3 of the EIS, respectively.

LA30-6 See the response to comment LA23-21.

LA30-7 Comment noted

LA30-8 See the responses to comments FA4-25, SA4-2, SA4-5, and SA7-4.

LA30 – Cortlandt Councilwoman Debra Carter Costello (cont'd)

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LA30-8
(cont'd) Please, do what's right. No other pipeline's are in an area that are on 2
fault lines, and next to a nuclear power plant, and so close to a
elementary school, and will potentially intersect with a mega watt power
line underground. It's too much for this neighborhood. Please don't
destroy our neighborhood!
Please do what's right- restore our faith- and say NO to the pipeline
expansion.

Thank you,
Debra Costello
Councilwoman, Town of Cortlandt

LA31 – Town of Somers

20141001-0023 FERC PDF (Unofficial) 10/01/2014

OFFICE OF THE SUPERVISOR


Telephone
(914) 277-3637
Fax
(914) 276-0082

Town of Somers
WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
385 ROUTE 202
SOMERS, NY 10589

RICK MORRISSEY
SUPERVISOR

ORIGINAL



CP14-96


September 26, 2014

To Whom It May Concern:

Attached is a copy of a Town of Somers Town Board resolution adopted August 14, 2014 requesting that Spectra Energy comply with New York State law by undergoing a full Environmental Quality Review Act (SEQRA).

If you have any questions I can be reached at (914) 277-3637.

Sincerely,


Barbara J. Sherry
Secretary to the Supervisor
Rick Morrissey Supervisor

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LA31 – Town of Somers (cont'd)


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TEL:914-277-3323
FAX:914-277-3960

TOWN CLERK'S OFFICE
Town of Somers
WESTCHESTER COUNTY, N.Y.

Town House
335 Route 202
Somers, N.Y. 10589

KATHLEEN R. PACELLA
TOWN CLERK



RESOLUTION

RESOLVED, that the Town Board does hereby adopt the Sustainable Somers resolution which encourages and supports clean and renewable energy and to ensure public health and safety regarding Algonquin Incremental Market (AIM) Expansion Project;

LA31-1 **WHEREAS**, Algonquin Gas Transmission, LLC, a wholly-owned subsidiary of Spectra Energy Partners, submitted Resource Report #9 in Docket # CP14-96-000 which does not reflect aggregate (existing and proposed) and cumulative emissions from compressor stations, metering stations, and pipelines in the entire Algonquin Incremental Market (AIM) project;

LA31-2 **WHEREAS**, the current emissions will be significantly increased by the expansion of the Southeast compressor stations, and the region including Putnam, Rockland and Westchester counties is already considered a non-attainment zone for air quality standards according to the U.S. Environmental Protection Agency and exceeds the limits for air pollutants such as ground level ozone, the design and construction of this pipeline would cause additional release of chemicals into the air thus adding to the existing air which already exceed EPA standards;

LA31-3 **WHEREAS**, the proposal that the project expands the pipeline to run under the Hudson River and near the Indian Point Nuclear Power Plant, where spent fuel rods and power lines are of grave concern and further study of the safety of this plan should be conducted;

LA31-4 **WHEREAS**, many community groups have identified the route of the project as crossing environmentally sensitive areas in Rockland, Westchester and Putnam counties, such as a number of major watersheds and public lands and that siting of the pipeline be away from homes and schools;

LA31-5 **WHEREAS**, significant concerns have been raised about the Algonquin Pipeline Expansion Project's impacts on the environment, due to the possibility of leaks, explosions and daily expulsions of gases from the compressors;

- LA31-1 See the responses to comments LA19-3 and LA22-1.
- LA31-2 We disagree. See the response to comment SA4-1.
- LA31-3 See the response to comment FA4-25.
- LA31-4 Comment noted. Except for the new right-of-way associated with the Hudson River HDD, the pipeline in New York would be sited within Algonquin's existing right-of-way and therefore would not permanently impact any additional homes or schools. Site-specific residential construction plans for homes within 50 feet of the construction right-of-way are provided in appendix H to the EIS, and mitigation measures are discussed in section 4.8.3.1 of the EIS.
- LA31-5 See the responses to comments FA4-23, SA4-1, and SA4-5.

LA31 – Town of Somers (cont'd)

20141001-0023 FERC PDF (Unofficial) 10/01/2014

WHEREAS, the Algonquin Pipeline would modify existing compressor stations by increasing the capacity of the existing pipeline, in New York, Connecticut and Massachusetts, with one a few miles away from the Town of Somers in Southeast;

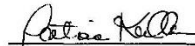
LA31-6 WHEREAS, municipalities may bear costs involved with emergency training, equipment including up-to-date foam to extinguish fires, and first response to a pipeline, compressor or metering station event;

LA31-7 BE IT THEREFORE RESOLVED, that the Town Board of the Town of Somers hereby calls on the Federal Energy Regulatory Commission to require further study of the pipeline's impact on the health and safety of Somers residents; that an independent air emissions baseline assessment, Health Impact Assessment (HIA), be conducted in the areas directly impacted by the Southeast compression station and nearby metering stations, by an independent expert acceptable to local government officials, industry, advocates and the public, funded by Spectra Energy, and that continuous emissions monitoring be conducted with transparent recording keeping as stringent as possible, and reported to the New York State Department of Environmental Conservation (NYS DEC), the United States Department of Environmental Protection Agency (EPA) and made available to the public in a transparent manner;

LA31-9 THEREFORE BE IT FURTHER RESOLVED, that Spectra Energy comply with New York State Law since it has one of the highest standards of environmental protection by undergoing a full Environmental Impact Statement to comply with the requirements of the New York State Environmental Quality Review Act (SEQRA) and minimize and mitigate any negative environmental impacts to the residents of the Town of Somers, and that notification be sent to all involved state municipalities and federal Agencies.

I hereby certify that the foregoing copy of resolution was unanimously adopted by the Town Board of the Town of Somers at a combined Work Session Meeting held on August 14, 2014.

Dated: August 15, 2014


Deputy Town Clerk

Cc: Supervisor
Director of Finance
Somers Energy Environment Committee

LA31-6 See the response to comment LA1-4.

LA31-7 See the responses to comments SA4-1, SA4-9, and SA4-10.

LA31-8 See the responses to comments SA4-15, LA2-11, and LA4-6.

LA31-9 See the response to comment SA4-15.


LA31-10 A summary of the public review and comment process for the Project is described in section 1.4 of the EIS and the distribution list for the EIS is provided in appendix A.

LA32 – Town of Cortlandt

20140930-0056 FERC PDF (Unofficial) 09/29/2014

ORIGINAL *CPK-96*

TOWN OF CORTLANDT



TOWN HALL
1 HEADY STREET
CORTLANDT MANOR, N.Y. 10567-1254
(914) 734-1020 – FAX: (914) 734-1102
www.townofcortlandt.com

Jo-Ann Dyckman
Town Clerk

To: Kimberly D. Bose, Secretary, FERC ✓
Jun Yan, U.S. Army Corps of Engineers – NY Dist.
Tim Timmermann, US EPA, Region 1
Michael Higgins, Project Mngr., NYS DEC
George Sweikert, DEC Region 3
Chris Hogan, Project Mngr., NYS DEC
Matthew Maraglio, Coastal Res. Spec., NYS
David Gasper, P.E., SPDES, NYSDEC, Water Supply
John Hernick, NYS Off. Of General Services
Cynthia Garcia, SEQRA Coordination, NYS DEP

From: Jo-Ann Dyckman, Town Clerk

Re: Resolution #247-14

Date: September 23, 2014

LA32-1 At their regular meeting held August 12, 2014 the Town Board adopted Resolution #247-14 ensuring public safety, and health regarding SPECTRA natural gas pipeline expansion.

Copy of said resolution is enclosed.

If this office can be of any assistance, please do not hesitate to contact me.

Enc.

cc. Rosemary Boyle-Lasher, Dep. Dir. DOTS
RR#164

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SECRETARY OF THE
COMMISSION
JUN SEP 29 A 11:08
FEDERAL ENERGY
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LA32-1 Comment noted. See the responses to comment letter LA2.

LA33 – Putnam County Legislature Chairman Carl Abano

20141006-0017 FERC PDF (Unofficial) 10/06/2014

ORIGINAL

THE PUTNAM COUNTY LEGISLATURE
40 Glenside Avenue
Cammel, New York 10512
(845) 808-1020 Fax (845) 808-1933

PUTNAM COUNTY
NEW YORK

Carl L. Albano *Chairman*
Ginny Nascorino *Deputy Chair*
Diane Schonfeld *Clerk*
Clement Van Ross *Counsel*

September 25, 2014

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1
Washington, DC 20426

**RE: Draft Environmental Impact Statement ("DEIS") for
Algonquin Incremental Market ("AIM") Project;
FERC Docket No. CP 14-98-00**

Dear Secretary Bose,

As elected officials representing constituents impacted by the Spectra Algonquin Incremental Market ("AIM") project (the "Project"), we believe that the Draft Environmental Impact Statement ("DEIS") released by the Federal Energy Regulatory Commission (the "Commission") on August 6, 2014 is inadequate as a National Environmental Policy Act document, and we urge the Commission not to further consider the proposed Project for approval until each of the deficiencies and omissions identified in Section 5.5 of the DEIS is completed and made available for review and public comment. Additionally, we request a minimum of a ninety day public comment period upon release of a fully complete Supplemental Draft Environmental Impact Statement.

The Commission's DEIS is supposed to address the numerous environmental impacts that may be caused by the proposed Project. Given the size and scope of the Project and the complex issues addressed in the more than 900 page DEIS, we believe a comment period of just over fifty (50) days is insufficient to permit our constituents and ourselves to review the proposed plan and its impact on our state, counties, local communities, and economy. Public meetings and a detailed review of the DEIS have yielded substantial concerns that have deepened and become more numerous as review of the document has continued.

A review of the DEIS reveals that virtually no aspect of the document is complete. The deficiencies are pervasive and substantial. Taken together they deprive the public of a meaningful opportunity to comment on the proposed plans and fail to impose enforceable mitigation requirements prior to permitting. Significant omissions from the DEIS include, but are not limited to, the following:

- Final conclusions on safety-related conflicts with the Indian Point nuclear energy facility are not provided (Section 4.12.3);

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2014 OCT -6 A 11:52

Barbara Scocimarra Dist. 1
Sam Oliverio, Jr. Dist. 2
Loula D. Tataro Dist. 3
Ginny Nascorino Dist. 4
Carl L. Albano Dist. 5
Roger S. Gross Dist. 6
Joseph Castellano Dist. 7
Dini LoBue Dist. 8
Kevin Wright Dist. 9

LA33-1 As elected officials representing constituents impacted by the Spectra Algonquin Incremental Market ("AIM") project (the "Project"), we believe that the Draft Environmental Impact Statement ("DEIS") released by the Federal Energy Regulatory Commission (the "Commission") on August 6, 2014 is inadequate as a National Environmental Policy Act document, and we urge the Commission not to further consider the proposed Project for approval until each of the deficiencies and omissions identified in Section 5.5 of the DEIS is completed and made available for review and public comment. Additionally, we request a minimum of a ninety day public comment period upon release of a fully complete Supplemental Draft Environmental Impact Statement.

LA33-2 The Commission's DEIS is supposed to address the numerous environmental impacts that may be caused by the proposed Project. Given the size and scope of the Project and the complex issues addressed in the more than 900 page DEIS, we believe a comment period of just over fifty (50) days is insufficient to permit our constituents and ourselves to review the proposed plan and its impact on our state, counties, local communities, and economy. Public meetings and a detailed review of the DEIS have yielded substantial concerns that have deepened and become more numerous as review of the document has continued.

LA33-3 A review of the DEIS reveals that virtually no aspect of the document is complete. The deficiencies are pervasive and substantial. Taken together they deprive the public of a meaningful opportunity to comment on the proposed plans and fail to impose enforceable mitigation requirements prior to permitting. Significant omissions from the DEIS include, but are not limited to, the following:

LA33-4

- Final conclusions on safety-related conflicts with the Indian Point nuclear energy facility are not provided (Section 4.12.3);


LA33-1 See the response to comment FA4-1.

LA33-2 See the response to comment FA6-5.

LA33-3 See the response to comment FA4-1.

LA33-4 See the response to comment FA4-25.

**LA33 – Putnam County Legislature Chairman Carl Abano
(cont'd)**


LA33-5	<ul style="list-style-type: none"> • Risk analysis that includes intersection of 42" diameter high pressure pipeline with proposed Champlain Hudson Power Express and West Point Partners high voltage power lines, CSX railroad with daily oil tanker trains; and proximity to Indian Point nuclear facility and Ramapo and Peeskill/Stamford fault lines;
LA33-6	<ul style="list-style-type: none"> • A Field Sampling Plan for potential soil contamination is not provided (Section 4.2.2.8);
LA33-7	<ul style="list-style-type: none"> • Full disclosure and analysis of Radon's radioactive decay products Lead 210 and Polonium 210 released from PIG launchers sited in Stony Point, Yorktown and Danbury, CT affecting air and soil contamination;
LA33-8	<ul style="list-style-type: none"> • Cumulative impacts on local residents from increases in toxic emissions from expanded Stony Point and Southeast compressor stations that far exceed pollutant threshold limits and metering and regulating stations;
LA33-9	<ul style="list-style-type: none"> • NYSDOS approval of consistency assessment for Hudson Crossing has not been obtained (Section 4.8.4.1);
LA33-10	<ul style="list-style-type: none"> • Design modifications for New York M&R stations are not complete (Section 4.11.1.2);
LA33-11	<ul style="list-style-type: none"> • A Site Specific construction plan for St. Patrick Church is not provided (Section 4.8.5.1);
LA33-12	<ul style="list-style-type: none"> • A Site Specific construction plan for Buchanan-Verplanck Elementary is not provided (Section 4.8.5.1);
LA33-13	The Supplemental Draft Environmental Impact Statement should also include the health and risk assessments, baseline air testing, and other concerns that are called for in Resolutions passed by many government administrations in our area.
LA33-14	Additionally, residents recently learned of a second pipeline expansion project, the Spectra Atlantic Bridge project, which will impact the same areas and extend the construction periods in the affected regions. The cumulative impacts of the two projects should be considered together and not segmented. Our constituents must also be allowed to review and comment on the full scope of the planned expansions of this pipeline, the Stony Point and Southeast compressor stations and metering and regulating stations and their emissions, PIG launchers, etc. before any approval is issued.
LA33-15	Therefore, we request that the DEIS be withdrawn until all issues are fully addressed in a Supplemental Draft Environmental Impact Statement and that a new public comment period of no less than ninety days commence upon its release.
	Thank you very much for your prompt consideration of this request.
	Sincerely,
	
	Carl L. Albano Chairman, Putnam County Legislature

LA33-5	See the responses to comments FA4-25, SA4-2, and SA7-4. With respect to the CSX Railroad, natural gas transmission lines and railroads cross one another throughout the country, and the crossings are designed to ensure mutual compatibility and safety. We do not consider pipeline crossings of railroads to have an impact on public safety.
LA33-6	See the response to comment SA1-5.
LA33-7	See the response to comment SA4-4.
LA33-8	Air emissions that would results from the operation of equipment during construction and the burning of natural gas during operation of the proposed facilities are discussed in section 4.11.1.3 of the EIS. The potential cumulative air impacts associated with the emissions of the proposed Project along with other projects is assessed in section 4.13 of the EIS.
LA33-9	See the response to comment SA1-6.
LA33-10	See the responses to comments FA4-1 and SA1-7.
LA33-11	See the response to comment SA1-8.
LA33-12	See the response to comment SA1-9.
LA33-13	See the response to comment SA4-10.
LA33-14	See the response to comment FA3-5.
LA33-15	See the responses to comments FA4-1, FA6-5, and SA1-12.

LA34 – North Salem Councilwoman Amy Rosmarin

20141006-0018 FERC PDF (Unofficial) 10/06/2014

ORIGINAL



TOWN OF NORTH SALEM
Delancey Hall
266 Titicus Road
North Salem, N.Y. 10560

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

September, 26, 2014


Algonquin Incremental Market Project, Docket # CP14-96-000.

Dear Ms. Bose,

LA34-1 The expanded Algonquin pipeline's DEIS does not address the problem of low frequency vibration and low frequency hum that emanates from the system and has been identified in CT. I am concerned that the proposed change to the system may exacerbate the problem and impact my constituents. I am also concerned that the noise from airborne pressure, known as flutter, could have an impact on the nearby neighborhood. Consequently, I urge that the Code of Federal Regulation, 18CFR 380.12 be enforced and that this be addressed in the EIS.

Thank you for your consideration.

Sincerely,


Amy Rosmarin
Councilwoman, Town of North Salem

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REGULATORY COMMISSION


LA34-1

FERC staff presumes that the vibration issue referenced by the commentor relates to the Brookfield Compressor Station, which is part of the Iroquois Gas Transmission pipeline system. Mr. Kohlhasse has filed with the Commission numerous comments related to noise and vibration from natural gas transmission pipelines and compressor stations. These are identified in his comment letters as low frequency sound from pipelines, and noise impacts specific to the Brookfield Compressor Station that he identifies as a frequency varying "flutter." Mr. Kohlhasse identifies natural gas pipelines as generating a low frequency hum that can induce vibration in enclosed spaces. Through the FERC's dispute resolution service helpline, we are aware that this induced vibration has occurred at a limited number of natural gas facilities in the over 300,000 miles of transmission pipeline in the United States. However, we are unaware of wide-scale cases of this occurring due to low frequency noise from natural gas transmission pipelines. In addition, Mr. Kohlhasse claims that a hum is affecting many residents in western Connecticut and identifies numerous purported physiological effects. Again, with hundreds of thousands of residents near natural gas pipelines, we have seen no systemic evidence that natural gas pipelines are inducing these effects in local residents.

The flutter that Mr. Kohlhasse references is a unique issue to the Brookfield Compressor Station owned by Iroquois Gas Transmission. The Commission's Office of Energy Projects has worked with Iroquois Gas Transmission on the vibration issues from the Brookfield Compressor Station, and while the issue is ongoing, it is isolated to the Brookfield Compressor Station. The gas for the proposed Project is 100 percent subscribed for local distribution companies and municipalities along the Algonquin system. The additional volumes are not intended for transport along the Iroquois Gas Transmission system. Therefore, the Brookfield Compressor Station would not experience a change in volume, operation, or noise/vibration as a result of this Project. Further, each of the compressor stations proposed to be modified as part of the proposed Project are existing stations and we are unaware of any perceptible vibration at nearby receptors. FERC regulations require that modifications to existing compressor stations cannot result in a perceptible increase in vibration at nearby receptors. Section 4.11.2.3 of the EIS has been updated to include a discussion regarding vibration.

LA35 – North Salem Councilwoman Amy Rosmarin

20141006-0021 FERC PDF (Unofficial) 10/06/2014



TOWN OF NORTH SALEM
Delancey Hall
266 Titicus Road
North Salem, N.Y. 10560

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

ORIGINAL

September, 26, 2014


Algonquin Incremental Market Project, Docket # CP14-96-000.

Dear Ms. Bose,

LA35-1 I call for independent, transparent and comprehensive baseline air testing and risk and health impact assessments of the proposed expanded Algonquin pipeline and its compressor station in Southeast. These assessments are necessary to protect public health and safety. Until they are completed and reviewed by elected officials and the public, it is my fervent hope that all Involved Agencies withhold approval permits for the proposed expansion.

Thank you for your consideration.

Sincerely,


Amy Rosmarin
Councilwoman, Town of North Salem

LA35-1 See the responses to comments SA4-1, SA4-9, SA4-10, and LA4-6.

LA36 – Cortlandt Councilman Seth Freach

20141006-0019 FERC PDF (Unofficial) 10/06/2014	
September 15, 2014	<div>ORIGINAL</div> <div>FILED SECRETARY OF THE COMMISSION</div> <div>2014 OCT -6 A 11:44</div> <div>FEDERAL ENERGY REGULATORY COMMISSION</div>
Kimberly D. Bose, Secretary Federal Energy Regulatory Commission 888 First Street NE, Room 1A Washington, DC 20426	
RE: Draft Environmental Impact Statement ("DEIS") for Algonquin Incremental Market ("AIM") Project: FERC Docket No. CP 14-96-00	
Dear Secretary Bose,	
LA36-1	As elected officials representing constituents impacted by the Spectra Algonquin Incremental Market ("AIM") project (the "Project"), we believe that the Draft Environmental Impact Statement ("DEIS") released by the Federal Energy Regulatory Commission (the "Commission") on August 6, 2014 is inadequate as a National Environmental Policy Act document, and we urge the Commission not to further consider the proposed Project for approval until each of the deficiencies and omissions identified in Section 5.5 of the DEIS is completed and made available for review and public comment. Additionally, we request a minimum of a ninety day public comment period upon release of a fully complete Supplemental Draft Environmental Impact Statement.
LA36-2	
LA36-3	The Commission's DEIS is supposed to address the numerous environmental impacts that may be caused by the proposed Project. Given the size and scope of the Project and the complex issues addressed in the more than 900 page DEIS, we believe a comment period of just over fifty (50) days is insufficient to permit our constituents and ourselves to review the proposed plan and its impact on our state, counties, local communities, and economy. Public meetings and a detailed review of the DEIS have yielded substantial concerns that have deepened and become more numerous as review of the document has continued.
	A review of the DEIS reveals that virtually no aspect of the document is complete. The deficiencies are pervasive and substantial. Taken together they deprive the public of a meaningful opportunity to comment on the proposed plans and fail to impose enforceable mitigation requirements prior to permitting. Significant omissions from the DEIS include, but are not limited to, the following:
LA36-4	<ul style="list-style-type: none"> Final conclusions on safety-related conflicts with the Indian Point nuclear energy facility are not provided (Section 4.12.3);
LA36-5	<ul style="list-style-type: none"> A Field Sampling Plan for potential soil contamination is not provided (Section 4.2.2.6);
LA36-6	<ul style="list-style-type: none"> NYSDOS approval of consistency assessment for Hudson Crossing has not been obtained (Section 4.8.4.1);

LA36-1 See the response to comment FA4-1.

LA36-2 See the response to comment FA6-5.

LA36-3 See the response to comment FA4-1.

LA36-4 See the responses to comments FA4-1 and FA4-25.

LA36-5 See the response to comment SA1-5.

LA36-6 See the response to comment SA1-6.

LA36 – Cortlandt Councilman Seth Freach (cont'd)

20141006-0019 FERC PDF (Unofficial) 10/06/2014

- LA36-7
- Design modifications for New York M&R stations are not complete (Section 4.11.1.2);
- LA36-8
- A Site Specific construction plan for St. Patrick Church is not provided (Section 4.8.5.1);
- LA36-9
- A Site Specific construction plan for Buchanan-Verplanck Elementary School is not provided (Section 4.8.5.1);
- LA36-10
- The Supplemental Draft Environmental Impact Statement should also include the risk assessments, environmental baseline testing, and other concerns that are called for in resolutions passed by many government administrations in our area.
- LA36-11
- Additionally, residents recently learned of a second pipeline expansion project, the Spectra Atlantic Bridge project, which will impact the same areas and extend the construction periods in the affected regions. The cumulative impacts of the two projects should be considered together not segmented. Our constituents must be allowed to review and comment on the full scope of the planned expansion of this pipeline before any approval is issued.
- LA36-12
- Therefore, we request that the DEIS be withdrawn until all issues are fully addressed in a Supplemental Draft Environmental Impact Statement and that a new public comment period of no less than ninety days commence upon its release.

Thank you very much for your prompt consideration of this request.

Sincerely,



Seth Freach
Councilman, Town of Cortlandt

- LA36-7 See the responses to comments FA4-1 and SA1-7.
- LA36-8 See the responses to comments FA4-1 and SA1-8.
- LA36-9 See the responses to comments FA4-1 and SA1-9.
- LA36-10 See the responses to comment letters LA1, LA2, LA4, LA5, LA8, LA9, LA22, LA31, and LA32.
- LA36-11 See the responses to comments FA3-5 and FA6-5.
- LA36-12 See the responses to comments FA4-1 and FA6-5. We believe the analysis in the draft EIS and the revised analysis in the final EIS are appropriate and does not warrant the need for a supplemental draft EIS.